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#### **CALL TO ORDER**

[Time: 00:00:03]

Mayor Ortega: Hello, and good evening to you, everyone. I call the September 21<sup>st</sup>, 2021 city council regular meeting to order. City clerk Ben Lane, will you please conduct the roll call?

#### **ROLL CALL**

[Time: 00:00:24]

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

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Betty Janik.

Vice Mayor Janik: Present.

Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Tom Durham.

Councilmember Durham: Present.

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 Lane: Acting city Attorney Joe Padilla.

Joe Padilla: 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.

Mayor Ortega: Excellent. We have Dustin Patrick and we have a firefighter here if anyone needs assistance. I would ask Councilmember Durham to lead us in the pledge.

[Time: 00:01:20]

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

**MAYORS REPORT**

[Time: 00:01:43]

Mayor Ortega: Well, I wanted to announce that coming soon, to your neighborhood, this Thursday, September 23<sup>rd</sup>, city of Scottsdale is partnering with the Maricopa County Department of Health services to host a pop-up vaccination event at Eldorado park community center.

The Pfizer vaccine which is approved for people 12 and up is available, and we will also have a limited number of Johnson & Johnson vaccine available as well. In addition, we will have a second location at Eldorado park, that's Thursday, October 14<sup>th</sup> if you need your second shot.

So I encourage anyone who is eligible, friends, family, visitors, who have not received their first or second dose come by Eldorado park community center. It will be in the afternoon, 2:30, until 6 p.m. That's this Thursday.

For more information, you can visit the city of Scottsdale web page, and search for COVID-19. Insurance is not necessary, and we are definitely trying to guard our public health.

**PUBLIC COMMENT**

[Time: 00:03:22]

At this point, I will open the public comment. Public comment is reserved for Scottsdale citizens to comment on any non-agendized item. But which is within our jurisdiction. We will listen but we will not take any official action. Your remarks will be entered into the record. At this point, we are opening public comment and individuals have three minutes.

We are still open to online, if people choose to, but that by telephone, telephone closed. So we do have one in-person, if you could come forward, Ms. Brown, state your name, address and then you have three minutes. Thank you.

Linda Brown: Good evening, mayor and city council. Really appreciate the time that I could be before you. I am a resident and homeowner of Villa Monterey 6. I'm also on our board of directors and I'm also the architectural committee chairman.

So I'm very involved with what we do regarding to appearances of our home, changes, colors, outside landscaping and so forth. I'm expressing a -- I'm trying to choose words well, but I'm expressing a dissatisfaction of when we go before the H.P.C., there's an inconsistency of decisions whether it's approved or denied.

We try really hard with going with the guidelines and plans that is for us to follow, but we do have to remember those guidelines and plans are not approved yet. So we are kind of winging it the best that we can. And yet, I/we really appreciate what the H.P.C. does for us, with us, and

around us.

We also appreciate the new member that was just voted in. And so it's the seventh member in. So that's great. We are not professional speakers. We have very boring projects when we come before them. We are not the fabulous Kiva center that will look awesome for or community and it's a multi-million dollars project. So when we come before whether it's the director with Doris McClay who is awesome to work with. We will have a \$500 landscape project and then it's requested that we have a possible do you have architectural landscape design?

And we don't have the money for an architectural design plan. I think the word compromise, I try to use a lot, especially within our little communities and I say little, pointing out such as that. Inconsistencies, you will hear about a wall extension. You might hear about some artificial turf. We are doing our best to go by guidelines and as we all say, we love our community but we want to go by the rules, yet what are those rules? So I really appreciate your time and everyone have a great evening.

Mayor Ortega: Thank you, Ms. Brown. We take those comments to heart and general comments. At this point, I see no other in-person request and so I will close the public comment.

#### **MINUTES**

[Time: 00:07:35]

Mayor Ortega: We will now -- I will now accept a motion to approve our minutes, including the special meeting minutes of August 26<sup>th</sup>, 2021, the executive session minute meetings of August 26<sup>th</sup>, 2021, and regular meeting minutes of August 26<sup>th</sup>, 2021. Is there a motion?

Vice Mayor Janik: So moved.

Mayor Ortega: And seconded by Councilwoman Littlefield. Any other discussions or changes? Okay. Please register your vote. Thank you. That was unanimous.

#### **CONSENT AGNEDA**

[Time: 00:08:15]

Mayor Ortega: We now move on to the consent agenda. These are posted and duly shown to the public. Items 1 through 12. Several of them are actionable and several of them are accepting the information that's presented, for instance item number 12. I do not see any public request on consent agenda items, we don't have any by telephone or by person. At this point, I would close the public comment and I would request a motion for the agenda items.

Councilmember Whitehead: I'm having trouble pulling up the agenda. I would like to speak to one item, the item regarding the tourism dollars being transferred to the general fund and if

somebody wants to help me with that item number. I'm so sorry. I don't know why I'm having trouble pulling it up. I see the –

Councilmember Milhaven: Event spaces.

Councilmember Whitehead: I want to speak to this. I think it's really important that we keep our buckets separate and so we did in December, we were successful bidders of a parcel for WestWorld, for an entrance to WestWorld which is a tourism function and I'm just thrilled that we -- and it came from the general fund, and so what this item 5 does in the tourism development commission also voted on it and approved it and this council is that we now will use tourism dollars to pay back the general fund and I just think that's worth pointing out and it's something I really support. So that's it and with that, I will make a motion to approve consent items 1 through 12.

Councilmember Caputi: Second.

Mayor Ortega: Thank you. We have a motion and a second. Any more discussion? Please register your vote. Thank you. That is unanimous.

And also, just to point out one of the items -- well, several of the items are stay tuning our special events that are coming up which indicates that, for instance, the Chihuly exhibit at Frank Lloyd Wright will be coming on and we are coming back to life with all of our other significant events. We also had acceptance of audit reports and financial reports that can be viewed online in detail.

### **ITEM 13 – HUCKLE PATIO WALL EXTENSION 69-HP-2021**

[Time: 00:11:17]

Mayor Ortega: Next, we will move on to the regular agenda and we have item number 13, the item number 13 is the huckle patio wall extension, which is K69-HP-2021, there's an appeal and a request, of course, that we will hear this case. So I will ask our staff applicant Doris McClay to give us the presentation.

Sr. Planner, Doris McClay: Mayor and city councilmembers, Doris McClay with the planning department. Also, the historic preservation commission staff representative. This -- presenting the appeal of the patio wall extension 69-HP-2021. Next slide, please.

The property owner has appealed the denial of the certificate of appropriateness by the historic preservation commission, to increase their enclosed yard of a townhouse. Next slide, please. The subject property is located north of east Chaparral road in the Villa Monterey unit 6. Next slide, please.

This is a close-up of the subject property, which is a corner lot at the intersection of east

Pasadena avenue and north 78<sup>th</sup> street. Next slide, please. The subject property is zoned multifamily residential, the R5 HP zoning district. Next slide, please.

Here is the proposed wall extension, along the Pasadena frontage of the property. This wall extension complies with the r5 zoning district requirements. Next slide, please. This is the proposed wall elevations for the new extension. Next slide, please.

Here's some photos of the property. First photo is showing the location of the wall extension on the property, and the second photo is looking east on the property, on Pasadena. Next slide, please.

[Time: 00:13:54]

In December 2020, the historic preservation commission approved a certificate of appropriateness, 5-0 for a wall extension on a property, a corner loss in Villa Monterey unit 6. Here are photos of that new wall. Next slide, please.

The historic preservation commission denied this request 4-2. Here are the options for the certificate of appropriateness. Next slide. The historic preservation commission received an opposition letter for this request. With the appeal, the property owner has received support letters. That concludes staff's presentation. The applicant is here to make a presentation. Thank you very much.

Lori Huckle: Hello, my name is Lori huckle and I'm the homeowner. I want to take the time to thank the city council, the mayor, tore taking the time to listen -- for taking the time to listen to our appeal. I will try to be short. Doris did go over a lot of the points that I was going to mention.

My husband and I have been we are the homeowners. Our family has owned the property for last 20 years. In the last four to five years we have taken time to renovate the interior and the exterior and really took a lot of thought and consideration to make sure that we kept with the characteristics of the neighborhood, with our roof tiles and entryway tiles. It all compliments the neighborhood. And I love the neighborhood and everything that it stands for. Our request is simple.

We would like to extend our wall. We did get HOA approval, like Doris said. It's within the H.P.C. guidelines and meets the open space development standards for r5. It meets city code, and I did get neighbor approvals with my neighbors that were nearby. I believe that there were a few submissions on comments and then the president of our HOA did write a letter to the city council last week.

Again, I wanted to emphasize that this wall -- our lot is very similar to the lot at 5114 north 78<sup>th</sup> that got the approval a year ago. We're both on the northwest corner and it's there very similar. So that was approved, and she did extension her wall. So I'm just respectfully requesting approval for our wall extension. And that's all I have to say. Any questions?

Mayor Ortega: Thank you very much. And please stand by, okay?

Lori Huckle: Okay.

Mayor Ortega: At this point, I would like Ms. McClay, could you show the third slide again. It's an aerial of context. I guess it's the fourth slide. It's next one. So if we look at the site, at the corner, which has the yellow outline, but what I want to call your attention to is the house across the street.

[Time: 00:17:59]

So they are both on Pasadena and they are corner lots and you look at the house across the street, it has this projected wall and it turns and enlarges the side wall. This is all on private property.

So there's no impedance of sidewalk area or the common area. I just do want to point out in this picture, and these would be like book ends for that street. Is that correct the way I read it? I also drove by there today.

If you had a cursor, you might be able to see where tree bush is, just north of there. There's a wall coming out and then turning back being similar to what we would have at this request. I think it's certainly appropriate and it's been done before and if there's even a plant on that one wing wall, would you hardly notice that side wall is there.

The next comment is from Councilmember Durham. If you could leave that slide up, someone may have another slide to review. Councilmember Durham?

Councilmember Durham: I drove by the house that's north on Medlock. That's basically identical to what the applicants here are requesting, isn't it? And, you know, my view of that was that the bump out in the wall sort of did disrupt the streetscape a bit, because you have mostly a smooth line of houses and then you have the road on Medlock but basically it's an identical situation.

Doris McClay: Mayor and Councilmember Durham, yes, you are correct. It's a very similar situation.

Councilmember Durham: Well, and it's Ms. Brown pointed this out and I think one of the commentators pointed out too that there are not really good rules on what we are supposed to do with historic preservation issues; is that correct?

Doris McClay: Mayor and Councilmember Durham, so the Villa Monterey historic district is under interim guidelines. Those guidelines were taken from the village grove, and in the last probably 5 to 6 years, city staff and Villa Monterey have been working together on their design

guidelines.

It -- it kind of came to a halt with the COVID. So, you know, we were working towards that. We have a draft document, and we were trying to also incorporate some of the HOA rules with -- especially with regard to paint color and other things, because there are several units. There's seven units in Villa Monterey and they each have their HOA representation. So we were trying to get to that point where we had acknowledged those HOA differences in each of the units.

But that has -- you know, that didn't get approved, because of COVID. It stopped. So we are hoping to proceed with that.

Councilmember Durham: Well, are there any guidelines in place right now that sort of touch upon the situation that says, yes, you can do this, or no, you can't do it?

[Time: 00:21:44]

Doris McClay: Mayor and city Councilmember Durham, there are guidelines, but they are not very clear on this. And like we have the case in December of 2020, that was approved, but this one wasn't.

So it's -- it does talk about trying to keep the side yards open but it has some flexibility. In those side yards for corner lots.

Councilmember Durham: It's -- it's a confusing situation, because -- I mean I can understand to some extent why people would not want the bump out there, but it sounds like the neighbors and the HOA have all agreed to this, right that the HOA has said this is okay with the HOA, right?

Doris McClay: Mayor and city Councilmember Durham, yes, they have HOA approval, and the property owner has gone to some adjacent neighbors and gotten approval from those adjacent property owners.

Councilmember Durham: All right. Thank you.

Mayor Ortega: Let's see, I see no other council requests to speak. I think that in terms of clarity and how we can appreciate both the architectural committee of the HOA and the variation and the unity of the groups being able to upkeep and maintain and provide guidance, also to the historic preservation commission that tries hard to understand each of these bases, my finding is that the architectural and the aesthetics of it are fine, and I would support it as approved. If there's any other comment, I'm open to a motion. Councilwoman Littlefield?

Councilmember Littlefield: Yes, thank you, mayor. I move to approve the huckle patio wall extension, number 69-HP-2021.



Councilmember Whitehead: I will second that.

Mayor Ortega: So just for clarification from legal, that we will be -- go ahead, Mr. Padilla.

Acting City Attorney Joe Padilla: It sounds like the motion is to reverse the decision of the H.P.C. and then in that motion, to approve the applicant's request?

Councilmember Littlefield: Yes.

Joe Padilla: It sounds like that's what you are --

Councilmember Littlefield: Yes, that's exactly what I am doing. Thank you.

[Time: 00:24:32]

Mayor Ortega: So we have the acceptance of the application, approval of the application would be the reversal of the H.P. vote. And I thought I heard a second. Thank you, Councilwoman Whitehead.

So we have a motion and a second. Any other discussion, please register your vote. Thank you. That's unanimous. Well, at this point, we are nearing the end of the regular council meeting and we do reopen the opportunity for public comment. And we haven't received any telephonically and I see none in person. So accordingly, I will close the public comment.

We provide that opportunity at the beginning of the meeting, and at the end of the meeting. So I will then, as I said close the public comment. The next agenda item would be whether or not there's a citizen petition. This is part of our city charter which would allow any citizen to bring forward a petition for action.

We have received none this regular meeting and so I will move on to the next item, which is the mayor and council items. If there is a subject that the mayor or council would like to bring up at the end of the meeting. I see none. And so accordingly, I will close that item.

## **ADJOURNMENT**

[Time: 00:26:22]

Mayor Ortega: And at this point, I would entertain a motion to adjourn our regular meeting.

Vice Mayor Janik: I make a motion to adjourn our regular meeting.

Councilmember Durham: Second.

Mayor Ortega: Thank you very much, Vice Mayor Janik and Councilman Durham. All in favor,

please register your vote. Thank you.

Now, we will -- so we are adjourned. We will now be going into a work study. However, I will just allow a break in case there's other information that's coming to the clerk. So let me just check on that, and then we will resume or we will start our work study.