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#### **CALL TO ORDER**

[Time: 00:00:01]

Mayor Ortega: Next, we will -- we will go directly into our regular city council meeting. So accordingly, I call the May 17<sup>th</sup>, 2022 city council regular meeting to order. City Clerk Ben Lane, please conduct the roll call.

#### **ROLL CALL**

[Time: 00:00:29]

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

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tammy Caputi.

Vice Mayor Caputi: Here.

Clerk Ben Lane: Councilmembers Tom Durham.

Councilmember Durham: 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. Noting for the record he's present.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews is also present.

Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

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

[Time: 00:01:01]

Mayor Ortega: Thank you very much. Tonight, we have Scottsdale police sergeants Ben Hoster and Brian Heiner, as well as firefighter Raul Schlosnik, should anyone need assistance. Let's stand for the Pledge of Allegiance. Councilwoman Janik.

Councilwoman Janik: 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, we will begin and we will continue to keep the people of Ukraine in the forefront of our thoughts. I will ask first to pause in silence as the Ukraine fights for their freedom.

[ moment of silence ]

Mayor Ortega: Thank you. So today is -- and this week is national public works week. As you know, city of Scottsdale has many projects under construction, authorized by our bonds and citizen input.

It's also EMS week and national police week and I would like to take this opportunity to thank all of our police officers and our EMS and firefighters for their contribution of Scottsdale. And the NCAA championships will be taking place with the goal hawk. With the women's tournament May 20<sup>th</sup> through the 25<sup>th</sup> and the men's tournament running May 27<sup>th</sup> through June 1<sup>st</sup>. All of regional championships have been played and they're coming to Scottsdale for the final NCAA championships.

Also very close by at Scottsdale stadium, we will be hosting the PAC-12 conference championship baseball championship from May 25<sup>th</sup> through the 29<sup>th</sup>. So it's a great opportunity to see the best of college play in baseball and, of course, tickets are available.

**PUBLIC COMMENT**

[Time: 00:03:58]

Mayor Ortega: Next step is to open public comment. Public comment is an opportunity where residents, citizens can come forward on a subject -- is not on the agenda. And speak to the council for three minutes maximum. And the purpose, of course, is to bring to our attention, something which may or can only be in our purview.

We cannot answer or respond or take action on public comment but we do invite that. So I open public comment and I can declare there's no request for public comment. So therefore I close public comment.

Next, we will move on to the minutes. And I would like to request approval of the minutes or any revisions I request a motion to approve the special meeting minutes of April 26<sup>th</sup>, 2022, executive session minutes of April 26<sup>th</sup>, 2022, regular meeting minutes of April 26<sup>th</sup>, 2022. Is there a motion?

Councilmember Janik: I make a motion to accept the special meeting minutes of April 26<sup>th</sup>, executive session minutes of April 26<sup>th</sup> and regular meeting minutes of April 26<sup>th</sup>.

Councilmember Littlefield: Second.

Mayor Ortega: And I heard that as a motion to approve, and not accept. So please register your vote. Thank you. Unanimous.

**CONSENT AGENDA**

[Time: 00:05:32]

Mayor Ortega: Next we have the consent agenda. Items number 1 through 27. Consent agenda items are all published and went through processes. We do allow and ask for any comments on consent agenda items so people can come forward.

Again, please state your name and the agenda item and we will help you with that. This was one request -- one request that I see coming from the clerk requesting to speak on item number 20. That is Sheila Raymen. Thank you.

Sheila Raymen: Good evening Mayor Ortega, Vice Mayor Caputi. I'm here to address the boards and commissions. All board members and commissioners are Scottsdale citizens who determined we would like to volunteer our time to make our city better.

We then submit applications to the city council and appointed to our chosen board or commission for a term of three years. We choose to represent our fellow citizens just as you do in your role as elected officials, I'm currently serving my second term as a chairperson of the library board as elected by our seven member panel. I also have two terms as vice chairperson. I believe that my experience with the library board should be weighed as I continued my presentation.

The Scottsdale public library board is appointed by the mayor and the city council and charged with various responsibilities. One the most important is defined in Scottsdale code of ordinances Chapter 20, Article 1, Section 20-17c which states in part the library board shall advise the city manager through the city council on general policy relating to the operation of the library.

How do we advise the city manager through city council if we are not permitted to discuss important matters during our meetings? Where are fellow citizens supposed to get? It's not set up to discuss the library system in detail. That's why we have boards and commissions in the first place.

Our meetings are open to the public and the audio recordings and the meeting minutes and agenda are available on the Scottsdale website. These sources are a vital resource for future meetings and requests of city council and others in the Scottsdale library. We not only represent our fellow citizens but we represent and work with the library staff on all matters library.

The staff cannot speak up about their opinions when we need to discuss a topic it must take place during our monthly meetings. We must comply with the state of Arizona open meeting requirements. This does circle around to the library budget. Some have indicated that we should not be permitted to discuss this important issue, and it's not within our purview. How is that possible?

We are required to advise the city manager through city council? How can we do that if we

cannot discuss the library budget, a budget that is thousand, unless something changes during tonight's city council meeting is going to be entering a fourth consecutive year reduction. Four years.

A typical collection circulates out -- circulates out in an average of three years. Were you able to speak with the staff about their needs? The staff submitted a decision package to the assistant city manager as required. The staff said that they needed \$550,000 for materials and that's still below prepandemic letters.

Would you be aware of any of the current budget issues? The library board did our job. We fulfilled our requirement to the city ordinance. We will continue to make the Scottsdale public library an exemplary experience for all of our citizens.

[Time: 00:09:47]

Mayor Ortega: Thank you very much. And at this time, I will close public comment on items 1 through 27. If there is a question raised by the council. I see none. Any particular item 1 through 27 on consent, therefore, everything will remain on consent.

Councilmember Whitehead: Mayor.

Mayor Ortega: Yes, I see you.

Councilmember Whitehead: May I make a motion to approve consent agenda items 1 through 27?

Vice Mayor Caputi: Second.

Mayor Ortega: We have a motion and a second consent items 1 through 27.

Councilmember Littlefield: Yes, I would like to pull item number 20 for discussion.

Mayor Ortega: Well, I think at this point, we have a motion to approve them. Would you consider the maker of the motion to pull 27 in regular agenda?

Councilmember Whitehead: I think that item -- I'm guessing the issues of item 20 could be discussed more appropriately in the budget discussion.

Mayor Ortega: Okay. So --

Councilmember Whitehead: So, no, I think we should vote on consent agenda items and then expand the -- because the board and commission item is just to approve the annual report.

Councilmember Littlefield: That's way with me, as long as it gets discussed at a later time. Thank you.

Mayor Ortega: Yes, the money is in the budget area. We have a motion and a second to approve consent agenda items 1 through 27. Please record your vote. Thank you, unanimous.

**ITEM 28 – 6750 E EXETER BOULEVARD ABANDONMENT (2-AB-2022)**

[Time: 00:11:53]

Mayor Ortega: Next, we will move on to the regular agenda items we will begin with item number 28. Also noting that we have four speakers who will be coming forward when called. At this point, it's the -- item number 28, 6750 east Exeter boulevard abandonment case, 2-ab-2022. Jeff Barnes is our senior planner and presenter. Proceed.

Jeff Barnes: Good evening, Mayor and Vice Mayor Caputi. I'm Jeff Barnes with the city's planning department, giving you the presentation for 2-ab-2022. The site is located along the west side of 68<sup>th</sup> street, south of Camelback Road, north of Indian School, more specifically at the northwest corner of Exeter boulevard and 68<sup>th</sup> street shown in the yellow highlight on this map.

Getting closer in, the subject property is identified in the bold property highlight with the yellow being the abandonment area. That abandonment area is 10 feet wide and runs the length of the property. Also notable in this aerial photo, you can see there's existing vegetation that surrounds the frontages of this property, the darker vegetation that you see along the front edges are existing oleander hedging that surround the property.

Not visible in that image, there's an existing site wall on the west side of that oleander hedge, which is the east area of the abandonment area. For zoning. It's zoned r1-35, but there are, r1-18 and properties are actually in a county island. It's extends over and captures those parcels.

The action requested revolving around an approval request for the west 10 feet of the existing 85-foot wide public right-of-way for 68<sup>th</sup> street for the extent along the eastern boundary of the subject requesting property. At 10-foot dimension was arrived at. The applicant had gotten a survey done to determine where the wall location is. The 10-foot was the number that would achieve moving the right-of-way line to the outside of that existing wall or the west side of that existing wall to return the interior back to that. It constitutes 3,012 feet for that abandonment request.

A little bit of context and history. This was dedicated in 1992 as part of a 15-foot wide right-of-way dedication that was in addition to an existing 30-foot right-of-way at that point in time, which creates a total of 45 feet on the west side of 68<sup>th</sup> street, along this specific property. That combined with 40 feet on the east side, leaves with us a total of 85 feet of right-of-way in that location.

Most of the other properties up and down that segment of 68<sup>th</sup> street from camelback to Indian

School vary from 30 to 40 feet half street right-of-way. This is the widest dedication that we have along that segment. Just applying some graphics to that to make it a little clearer, on the image on the left, at the top starts at Camelback Road and 68<sup>th</sup> street with 40 feet on both sides as with we progress south, the yellow highlighted property is the subject site with the 45-foot west side and 40 feet on the east side.

And then that narrows down to 30 feet and 40 feet moving south if we jump over to the image on the right that picks us up from Exeter on down to Indian School that flares back out to 40 and 40 again.

[Time: 00:17:20]

As is typical with abandonment applications and other requests that end up in the public hearing process, both the applicant and the city sent out notification back in January of this year, notifying property owners in the surrounding area of the application having been made. In response to that notification, we received several comments from surrounding neighbors in the area that identified the area for the sidewalk that is currently not there between -- along 68<sup>th</sup> street between camelback and Indian School.

That is bigger than this abandonment request and a citizen petition was submitted to you back in your -- at your May 29<sup>th</sup> -- sorry March 29<sup>th</sup> meeting and that petition requested that you take a look at potential sidewalk project for that area, as well as identifying a desire to have the city not take action on this abandonment request until that sidewalk action has and it place.

At that meeting, you accepted that petition in and directed staff to come back with a future agenda with more information relative to detailed discussion on that sidewalk project. At this time, it's evaluated by the transportation and the public works staff. What we have got identified relative to the abandonment request and how that request correlates to that petition is an indication that the design of that project, approval of funding, construction, could have well put that out a year to two years or more in the process which is a significant amount of delay to impose on this application, which is why even though we haven't brought that detail for you, we are bringing this abandonment for you for discussion tonight.

Getting into some of the visuals and context of that as part of our staff review of abandonment applications we are always looking at our transportation needs, utility needs do. We still have enough room for various things in the public right-of-way after the outcome of an abandonment. The sidewalk was a key indication.

We would want to visualize that and say based on analysis, there appears to be sufficient room to locate a sidewalk in that happens in the future he is back of curb of the existing street improvements unaffected by this abandonment request.

The conceptual graphic open the right was put together to help visualize that and the overlay

sidewalk is hard to see, and I added this orange highlight to bring more attention to where that exists. And in the context of that, on the image on the left is the abandonment area, the 10 feet that is the west most 10 feet of that 85-foot public right-of-way that we have for 68<sup>ette</sup> street that would be 75 feet still at the outcome of this abandonment. It's a minor collector.

The minor collectors would have 70 feet of full right-of-way that would have all of their street improvements, the bicycle lanes, sidewalks, and utilities. This is 5 additional feet over the minimum of that standard.

[Time: 00:21:20]

We have staff separately evaluating that bigger sidewalk proposal and whether that's achievable and the details you will need to discuss that the remaining right-of-way if this abandonment is still approved is still 75 feet with 70 being the Min many hum for that minor collector standard the staff review had identified that there was some potential concern over visibility at the corner of Exeter and 68<sup>th</sup> relative to the existing vegetation, the applicant, the homeowner actively had maintenance done on that and demonstrated to our transportation staff that that was clear and that visibility is achieved out there. That was brought up as part of that review.

And just as a reminder in all of this, any existing vegetation that may conflict with eater a future -- either a future sidewalk project or just general maintenance and repair within our city, public right-of-way, we can remove that vegetation or ask the property owner to remove it and not be affected by the 10-foot strip at the western most edge that's being requested for abandonment tonight.

This case did go to our planning commission at the April 13<sup>th</sup> meeting. They unanimously voted a recommendation of approval to you to bring this forward. And so that leaves us with the request which is the adoption of resolution of 12441, which would approve the abandonment of the west 10 feet of the existing 85 feet along the limits of the subject property. That completes staff's presentation. The applicant team is ready to present information to you as well.

Mayor Ortega: We will call the applicant forward. Please come forward and present your project.

Omar Abdallah: I'm Omar Abdallah, I'm an attorney. Here with me today is Paul Basha, traffic engineering who will be able to help with some technical later on and also my clients, the homeowners John and Christie Garofono. I'm happy to present this right-of-way abandonment on behalf of my clients who owned this for decades.

The reason we are asking for this right-of-way abandonment application is to allow for an approximately 40-foot or 40 square foot expansion to their kitchen. As you can see, the property we are discussing is at the corner of 68<sup>th</sup> street and east Exeter boulevard.

To give you some historical context. The home was built in 1951. In 1992, the Garofonos dedicated 15 feet to the city of Scottsdale to provide for the existing 45 feet of right-of-way. You can see that the property to the south that's in the county still has 30 feet of right-of-way and the property to the north has 40 feet of right-of-way.

And so since the dedication was made, the city has decided not to expand 68<sup>th</sup> street, and so the current 45 feet of right-of-way half street is no longer necessary. So we're requesting an abandonment of 10 feet of the previously dedicated 15 feet. And this will leave 35 feet of half street right-of-way remaining. And to summarize the previous slide, in 1992, it was 15 feet and we are now requesting to reduce it to 35 feet. Our right-of-way abandonment request is a pretty standard right of way.

[Time: 00:26:12]

Because the side walls, the fence and the oleander was done before the previous dedication. It's outside of the property and so if the council approved this request, this abandonment will effectively shift the property line so that the wall, dense and oleanders are inside of the property boundaries.

We are essentially pushing the proper line out to include the existing conditions. Some points that I think worth mentioning in summary is that the wall, fence, and oleanders were installed while the right-of-way area was private property.

The abandonment will not affect vehicle, or bicycle or pedestrian traffic. The 10 feet is not needed for the future sidewalk and the remaining 35 feet of right-of-way meets the city standard for sidewalk, bike lane, and ribbon or rolled curb.

So if the city in the future were to decide to install a sidewalk there is sufficient room to do so. And lastly, this is not a proposal to build a massive new home or any kind of special project. It's simply a proposal to make so that the homeowners can expand their kitchen area by 40 square feet. Paul Basha who is with me will provide some insights on the design standards.

Paul Basha: Good evening, my name is Paul Basha. I'm a consulting with Summerland Management. My office address is 7144 East Stetson Drive in Old Town Scottsdale, and I live just north of Old Town Scottsdale, 7333 East Chaparral. The slide before you is an excerpt from the city of Scottsdale design standards and policies manual. This shows the cross section for a minor collectors street, which is the classification of 68<sup>th</sup> street. I know it's small. The next slide is larger. But when I enlarge it, it is now fuzzy. So I created my own slide.

This takes the information from the previous two slides and makes it more legible. 68<sup>th</sup> street is one travel lane per direction, one through travel lane per direction. A stentor to a left turn lane, one bicycle lane to the north and one to the south and there is sufficient room for a sidewalk between the edge of the bicycle lane and the proposed standard street right-of-way. I would like

to return now to Omar and he can continue his presentation.

[Time: 00:29:25]

Omar Abdallah: We wanted to share some photos with you of the existing conditions to kind of illustrate why a sidewalk is possible here, and some of the challenges that might come forward when the city in the future does decide to install a sidewalk. In summary, this subject property is not an issue when it comes to installing the sidewalk. It's properties north and south of this project.

What you are looking at here is the subject property. As you can see over there on 68<sup>th</sup> street, there is a sufficient amount of area to install a sidewalk in the future. You can even see a pedestrian there in the corner walking on the space. And so there is a sufficient amount of room to install a sidewalk here in the future. Now, I will go back on the north side. This is north of the subject property, just south of camelback. And this home -- as you can see, this is where the sidewalk ends running south.

So in order for a sidewalk to be installed here in the future, of course, there would need to be some substantial modifications to the wall there. That's in the way. It would need to be removed. Here's another example showing that obstruction. Here we are at the subject property again.

And this is just further down south -- this wall, I'm not sure if it's in the right-of-way, however, you can see that there's some elevated earth that would need to be removed and then just a little bit further south, you can see this is a new build. These pictures are as of a few days ago. There is a mailbox. Here that's -- mailbox that's here and would need to be removed if a sidewalk were to be installed here. Here's another mailbox that's within the right-of-way. Another mailbox also within the right-of-way. A wall that is within the right-of-way. And just some landscaping.

This is to show that this would be some challenges for sure, but that said we do support the future construction of a sidewalk here. We think it's a good amenity for the area, for the community. As you have mentioned and your staff mentioned previously, it will likely take some time and probably some large expense to accomplish it and so we think that should be considered as a separate matter from our right-of-way abandonment request. Thank you for your consideration and I'm here if you have questions for me.

Mayor Ortega: Okay. At this point, Councilmember Durham. Do you have a question?

Councilmember Durham: Thank you, Mayor. I'm curious about the placement of the kitchen, because the house is situated at -- relatively far distance from the right-of-way. You see the house and then there's a driveway and what appears to be a garage and I'm just not understanding why the kitchen enlargement would come close to impinging on the right-of-way,

such that the reduction of the right-of-way is necessary.

Omar Abdallah: Mr. Mayor, I'm not exactly sure of the placement of the kitchen. However, I do know that the architect that he retained in the planning recommended that we move -- that we propose this right-of-way abandonment to make it easier to fit everything in. So it's the setbacks that are impacted by the current placement of the property line and so if they were to be shifted 10 feet east, that would be sufficient to make their plans possible.

Mayor Ortega: So we will shift to public comment. One is Harold Back and then Daniel Schwartz and then the Garofono couple.

[Time: 00:34:14]

Harold Back: Mayor Ortega, vice mayor, city counselors, my name is Harold Back. I'm with the 68<sup>th</sup> street sidewalk association. I live at 67 he 1 east Camelback Road in Scottsdale. I appreciate the ability to speak you to this evening. Thank you.

In 1992, the city of Scottsdale made an investment in this right-of-way on behalf of the citizens and for benefit of the public. Now in 2022, we are being asked to give up that right-of-way, and the truth is that the benefit of that benefit is potential to be recognized and reach its potential.

The problem is we don't know at this time what may or may not happen with that right-of-way in the hand of a qualified talented designer and while I empathize with the owner of the property, we feel that it needs to be put in the electronic perspective and that the design of the sidewalk needs to be given priority with the investment that the city had made.

We suggested a compromise as a means to achieve a position for them to go forward and for us to get a temporary respite while we were waiting, however, that's not the case. I respectfully ask that you vote no and that you do not support this until such time as a plan is developed and can be materially exercised on behalf of the citizens of Scottsdale. Thank you for your question. I'm happy to answer any questions you may have.

Mayor Ortega: Thank you. Next, we have Daniel Schwartz and then Christine Garofono.

Dan Schwartz: I'm Dan Schwartz. I lived on East Montecito Ave. Since Laura and Harold started the 68<sup>th</sup> sidewalk project and petition, I have supported the effort, helping them collect signatures and attending all the public meetings, all but one.

As a result, I feel like I have had a much better chance to understand how the city works and in particular, to understand the professionalism and the excellence of the city staff, what I especially want to commend on their work on the sidewalk ask and addressing the abandonment of 650 east Exeter which originated our petition.

The logic in the face of some pointed comments by Commissioner Serena, led to the planning commission to recommend with the 6-0 vote to approve the abandonment. Some of us still feel a sense of unease with the logic in spite of that. You know the first one is why make a 3,000 square foot change in the footprint of a 53,000 square foot property? To support a 40 square foot addition.

And just the whole thing, why spend such a large -- it seems the amount of effort required to get this done, the legal fees and the consultant fees seem disproportionate for such a small project. Perhaps both of these reflect some rigidity in the process, which I'm newly exposed, but we would like to ask the council if it was possible to consider deviating from the standard practice which is to give an abandonment and just granting a variance so that there's a small modification of the setback to support the kitchen and we have the opportunity to keep the right-of-way and take the necessary time to figure out what is the best thing to do, to really continue to improve the environment and livability of this Scottsdale neighborhood. Thank you for your consideration.

Mayor Ortega: Thank you. Next, we have Christine Garofono and then her husband John.

[Time: 00:38:46]

John Garofono: Hello. John Garofono. Christie Garofono. We have been the property owners. We own this address. And we've been the property owners there for the last 30 years. Before that, this was Christie's childhood home. This is a generational home. All we're trying to do is make some improvements to the house. We have no interest in mowing down the house or building a new one. We enjoy the open space. And our children are totally on board with that.

In 2009, Alexa, our oldest daughter, while getting her master's in agriculture, started Arizona organic family farms. They grow, pick, deliver all the fruit from the property to whole foods or natural grocers throughout the entire state of Arizona. The fruit is all CCOF, or certified organic, CCOF, as well as USDA organic. All four of the children have been involved in this. They truly have a lot of fun with it, as do numerous college students have been there over the year.

And having Arcadia water has just been -- that's what makes it possible. So we went from horses, corrals, barns and whatnot to just citrus. And the open space will is continuing to grow with citrus. We're not entertaining any lot splits or the only thing we are doing in the open space is the planting of more citrus trees. The house was built in the 1950s, as what was said and Christie plan to live the rest of your years there and the children will continue to use it frequently. That's us in a nutshell. We have been, you know, here for a long, long time, but do you have any questions?

Mayor Ortega: Christine, do you have anything to add?

Christine Garofono: No, I will let John speak for the family.

Mayor Ortega: Okay. The one correction or bit of information when Mr. Schwartz asked about a variance. This property is in the county -- it's not? I saw on the mapping it appeared to be part of Maricopa acres. But that must be a -- okay. So thank you. We are concluded. There were only -- oh, yes, go ahead, another question. Councilman Durham and then Whitehead and then.

Councilmember Durham: Can you clarify this question about where the kitchen would be? The 40 us is not very close to the.

John Garofono: Well, there as a 40-foot setback. And then the property line --

Councilmember Durham: Needs to be a 40-foot setback?

John Garofono: Is -- when I dedicated the 15 feet. It's deceiving because the oleanders and whatnot are no longer on the property. And so the property line is inside the wall. We are trying to bring it to the wall. Which gets the setback that the architect wants.

[Time: 00:42:29]

Mayor Ortega: Councilwoman Whitehead.

Councilmember Whitehead: The setback is for the good of the city. And it's important to lose the right-of-way for a kitchen, just as we are trying to make the street safer for your kids and grandkids and I would be very interested in staff reviewing this case as a variance going, you know, let 'em have a kitchen.

But in the meantime, what I'm hearing from staff on the possible sidewalk -- and I realize that there's many property owners we will have to deal with to get this sidewalk in, but, hey, it's worth it.

We are trying to make it so people who live there can go for a walk and not risk death. So what I'm hearing again from staff is if we lose this investment we made of 10 feet, it appears we have enough. This is directly from staff and that we have the minimum needed. That's not what I'm aiming.

We passed a transportation action plan with the focus of making our streets and city safer. So -- you know, I think that you all would very that it would be a real tragedy if we lose this 10 feet and lose the opportunity to make the street safer and somebody loses there are life. I'm in support of trying to help you get your kitchen.

I'm not in support of losing the 10 feet as went try to figure out a way -- and it's always difficult in a mature neighborhood how to slow the cars down and make it safer.

John Garofono: Can I comment?

Mayor Ortega: We have one more comment real quickly. I noticed there were two more minutes on 10 minute response. Councilwoman Milhaven.

Councilmember Milhaven: Mr. Barnes could you comment on whether or not applying for a variance is a reasonable solution here?

Jeff Barnes: The variance is a separate application process. It's heard by the board of adjustment and they have four criteria revolving around special circumstances that they are looking at and judging the variance. I can't say how likely or unlikely the board would be to grant a variance.

In my experience in general, the board looks at exhausting other alternatives before they look at granting variants and so variances become relief mechanisms once other things have been pursued.

[Time: 00:45:59]

That being said, the applicant is down the road in abandonment request which they have purview based on the idea of the extra right-of-way dimension, our standard right-of-way requirements. They have been through the staff process and the planning commission process and they are here before you tonight with that request in mind.

Councilmember Milhaven: Thank you. And then if I understand your presentation, I thought I heard you say that the remaining right-of-way is more than adequate. It exceeds what is required for the city for what typically are very generous sidewalks.

Jeff Barnes: So the remaining right-of-way would be 75-foot and the minor collector designation for that would call for 70 feet.

Councilmember Milhaven: So it's not the minimum and I know our sidewalk standards are pretty generous. You know, I'm certainly supportive of the sidewalk. I wish we could get it done sooner rather than later. It seems that everyone can have their way here and there's enough to allow the sidewalk and allow these folks to take their abandonment. I will make a motion to adopt resolution number 12 –

Mayor Ortega: My I just add? Excuse me, may I just add that the by our rules has an opportunity to respond.

Councilmember Milhaven: Certainly.

Mayor Ortega: I'm saying that before a motion and, you know, and certainly I will call on a motion for you as soon as possible. Councilwoman Littlefield and Councilwoman Whitehead, go

ahead and then we will hear a motion.

Well, I would like the owner to respond because I have a comment as well that might be useful. Councilwoman Littlefield.

Councilwoman Littlefield: Thank you do we have any kind of timeline or time frame on when the kitchen would be built or when the citizens are going to have a plan set up for the sidewalk? Are we talking years with the citizens or are we talking months? What the timeline that the city is looking at both for you and for the sidewalk? Thank you.

Mayor Ortega: This question is to staff, I believe.

Jeff Barnes: Yes, I will answer that one. Thank you, Mayor and councilwoman. The best information I have been give wasn't that's design and putting into the budget would end up in the next cycle for those items and so we are looking at least a year, possibly more to get to that point of having something in this gets directed forward for that sidewalk.

[Time: 00:49:04]

Councilmember Littlefield: And can you tell me how much the city has into this variance in the way of funding? I heard that there was some cost to the city for doing? What are we giving up?

Dan Worth: Dan Worth, public works director. If I could have the Elmo, please. This is what we are looking at for the sidewalk project. You can see the scope, 6-foot wide sidewalk. Both sides of 68<sup>th</sup> street. Our engineering staff has taken a look at it. And first thing I want to say, yes, we can fit the 6-foot sidewalk.

Everything you heard from previous speakers is accurate. It's a \$1.9 million project to do that whole length from just south of camelback to Indian School, both sides. It's feasible that we have that funding in our transportation, our .2 sales tax. But we would like to go through the budget process and prioritize that accordingly with other requirements. The next set of bullets, this' a complicating factor.

Councilmember Littlefield: There always is.

Dan Worth: This is from a study we had done through the load control district, the Maricopa flood control district looking at areas of persistent flooding in southern Scottsdale. They recommended a project to put a 36 storm drain pipe in 68<sup>th</sup> street. So we have identified that as a current need shoo we don't have it in the CIP at the moment but it would make absolute sense if we ever build this storm drain project and you can see in the left side of the picture, the pipe goes directly underneath on the west side of the road. They need to be done together.

We can't do the sidewalk and then go and tear it up to put the pipe in the ground. So the best

solution is to both of these project to go. The storm drain project is a \$2 million project. We feel we have a very good chance getting half of that paid for by the county flood control district we have to go through their CIP process which is an application this summer and then their timeline for approving a C. I.P. is similar to ours.

We could have funding for the transportation piece, the sidewalk and the storm drain piece in fiscal year '23/24, which would allow us to design it in '23 and build it in '24. So probably a little more than two years out.

Mayor Ortega: Continue, councilwoman. Any other question?

Councilmember Littlefield: That's what I wanted to know. I wanted a time frame.

Mayor Ortega: Thank you. Okay. Vice Mayor Caputi, and then Councilwoman Whitehead.

[Time: 00:52:15]

Vice Mayor Caputi: This seems like one of those rare projects where we actually can make everyone happy. We have plenty of room to build a sidewalk and fix the drainage problem and make the sidewalk at the same time and make the homeowner happy. I think it's a win/win.

We get a sidewalk and it's a great idea for this neighborhood, and I don't see this is an impediment to getting a sidewalk. There is also an opportunity cost here, the applicant has explained that their fence already goes out to the portion that they don't all of; is that correct? That's 3,012 square feet that we are not collecting taxes open and it's just sitting out there in the twilight zone for the few years until we get the sidewalk settled.

So to me, it seems it would be our fiduciary responsibility to make that a little more settled. Again, I don't know how I feel about making a homeowner get different setbacks, and we never like to do that. This seems easy. Let's make everyone happy and I would be in full support of allowing this to happen. Thank you.

Mayor Ortega: Councilwoman Whitehead next.

Councilmember Whitehead: Thank you. So I never thought Mr. Worth, I would be so happy to hear we have a drainage problem. So it sounds to me like we have a double need and that we can -- and we have possibly matching funds. So I'm really looking forward to having this sidewalk.

You know, I'm going to talk about again this idea that we will give up. I will get to my schedule. I do care about you. I think it's amazing that for a short period of time, during design, that we would give up 10 feet for a kitchen, for a kitchen remodel. This is. This is a road that might be perfect.

Our staff turned dangerous roads into incredibly beautiful pedestrian-friendly roads and we use our engineers do traffic calming, beautifully landscaped traffic calming and we don't have a lot of room on 68<sup>th</sup> to do this kind of work. We know that people are dying on our roads. And kids are getting hit. In my head, I know so many. I keep these people in my head forever that are getting hit on the road. This is a road that could have traffic calming because there are driveways on to 68<sup>th</sup>, am I correct Mr. Worth?

So this would be a road that could have traffic calming. I would be much more supportive of the application when we have the design done. Why would we preempt increasing public safety for a kitchen remodel. I'm not undermining the importance of your kitchen remodel.

So what I would like to see is so I will vote against this, unless -- I would be happy to postpone to ask for a continuation. I can make a motion for a continuance until the time that there is a design for the road. And, you know, I will take on the variance, the requirement is that exhaust other avenues and by voting this down, you have exhausted this one. I'm looking forward to a beautiful pedestrian-friendly 68 street.

Mayor Ortega: I hear a motion for a continuance. I don't necessarily hear a second. And there is --

Councilmember Whitehead: Is there a second to my motion.

Mayor Ortega: At this point, there's still a couple of other people to weigh in. Unfortunately --

Councilmember Janik: I will second that motion.

[Time: 00:56:56]

Mayor Ortega: Then the motion to continue, I will weigh in on what I -- the key for me is if you put that depiction of the adjoining right-of-ways to the north, please. If you could see that. The key for me is they are all 40, 40, 40. If this application -- and I'm asking for that slide. No -- It's not yours.

Dan Worth: It's slightly different.

Mayor Ortega: I'm talking about -- it's a line of 40, 40, 40.

Dan Worth: This is 40 feet on the west side, until you get to the property in question. It's 45 feet there.

Mayor Ortega: Excuse me, if you could go back to the other visual, it's a little bit more clear. And so what gets me on this is that there's a -- it was up there for a second. So the city is considering widening, right, as part of -- providing a sidewalk. And if you look north, they are all 40, 40, 40.

Now below that, the city would have to buy some right-of-way, in consideration of the long discussion. So when this applicant or whatever legal advice they got or whatever traffic engineer they got, they should have asked for only 5 feet, not 10 feet because then the right-of-way is what we acquired before. We are not looking nor zigzags, right, but it came in asking for 10 feet. Look at that. If it had been 5-foot request, it would have been -- we would have 5 for feet for the build-out that we already own, the right-of-way would have matched up.

[Time: 00:58:46]

So we are now given a choice because -- and this is why I would have wished that we would have had discussion to see if that were acceptable, because the key for me is that we're not asking if it would align correctly at a 5-foot abandonment, not a 10-foot abandonment, but we have a motion to continue. So we will be able to discuss that. Perhaps in the continuation, there might be a request for 5 feet. I don't know.

I wish I could get the applicant up again but we have a motion to continue. That takes precedent. Did you have a motion to make about the continuance? That's the motion we are looking at. For some reason, it shows that you had a request.

Councilmember Durham: Yes, I think my question does relate to that in a sense. I have questions about the timeline here too. And we have requested to agendaize this sidewalk process, and I'm curious about if there is any potential date in the future where this is on the agenda because I think the motion to continue is a little open ended.

I would be interested in knowing that there is a date when we can be more certain about the scope of this project. Obviously, I don't want to wait two years. But if there is any consideration of agendaizing this any time soon so we would have a firm date to continue this to.

Mayor Ortega: So just for clarification, again, that rides on finding out more about the super project or the sidewalk project.

Councilmember Durham: Yes.

Mayor Ortega: And at this point, because the continuance and a second, the applicant does have a chance to respond to the continuance motion. I would invite you up to do so and perhaps respond to anything else that was discussed.

Paul Basha: Thank you, Mayor, and members of the city council. I had an opportunity to speak with John Garofono, they request that the decision be made this evening. They are not supportive of a continuance.

And Mayor, as you said there have been several questions and comments. I would be very

happy to address those questions and comments. Either before or after a vote open the continuance.

Mayor Ortega: And this was some time remaining on the discussion before the continuance motion. I'm going to ask for a little privilege. I will vote against it because it's asking for 10 feet instead of 5. Would be interested if the owner would be interested in amending his request to a 5-foot instead of a 10 feet.

Paul Basha: Mr. Mayor

Mayor Ortega: And I hear no. Is that what I hear?

Paul Basha: Mr. Mayor, that is correct.

Mayor Ortega: Okay. Thank you. Is there any other -- and I'm open to any other -- I opened it by asking my own request. City attorney, let me go to the city attorney and -- let me go to the city attorney and then we will vote on the continuance first.

City Atty. Scott: Thank you, Mayor. Just in an attempt to answer Councilmember Durham's question. I think the motion to continue would be a motion to a date to be determined. I think staff would have to do some more work to more timelines and to determine when they can answer more questions that the council has and then return this to the council at that time when those council -- those councilmembers' questions could be better addressed.

That's just my suggestion and I would request the clarification that the motion on the table is for a date to be determined. Is that okay with Councilwoman Whitehead.

[Time: 01:03:03]

Councilmember Whitehead: Okay. What I'm hearing is that the applicants do not want a continuance so I would substitute a motion to deny --

Mayor Ortega: You can just withdraw it. Just withdraw your continuance.

Councilmember Whitehead: Okay. Okay. I will withdraw my motion for a continuance.

Mayor Ortega: Okay. Now you will make a new motion if you would like to make a motion?

Councilmember Whitehead: I will make a motion to deny the request to adopt resolution number 12441 authorizing the abandonment of the west 10 feet of the existing 85-foot wide public right-of-way for north 68<sup>th</sup> street along the eastern boundary of parcel number 173-44-014C with single residential district, R1-35 zoning.

Councilmember Janik: I second that.

Mayor Ortega: We have a motion and a second. Any discussion? Vice Mayor Caputi, do you have discussion?

Vice Mayor Caputi: I had a question from before, actually, Mr. Basha, you would be good for this. So we're talking about the street being dangerous, and, of course, right now, it probably is dangerous, because there's no sidewalk.

But if we build a sidewalk in the future, and maybe even Mr. Worth this is a question for you. If we build a sidewalk that is right size for this street, is it unsafe? That's encouraging people to die if we build the sidewalk with the -- the to match the street, that makes it unsafe?

And if so, we will build the sidewalk in this one block to be 10-foot wider. I guess I'm not following the logic here. Nobody wants children to die. I mean I have three of my own. I think it's a great idea to build a sidewalk here. I just don't understand. It's going to be an unsafe sidewalk that we're building?

Dan Worth: Mayor, Vice Mayor Caputi, we will build a safe sidewalk. For the street of this classification, a 6-foot sidewalk attached to the curb perfectly meets the safety standards. We have them all the over the city.

Vice Mayor Caputi: And will we build it wider in this one section?

[Time: 01:05:24]

Dan Worth: No, we won't.

Vice Mayor Caputi: I don't understand why this -- this conversation is confusing me. Thank you. That makes it clearer.

Mayor Ortega: Councilwomen Milhaven and then Janik. I have a call city attorney. I got to take it. What is it?

City Atty. Scott: Thank you, Mayor. I wanted to again, remind you that they have the rebuttal period so whenever is the appropriate time and you want to call on them. I just wanted to make sure that had not gotten away from us.

Mayor Ortega: Thank you. So there was an original five minute rebuttal or an opportunity to clarify. You got a chance to hear from all of us on this case and the applicant would like to come forward or the representative to answer any questions as stated.

Paul Basha: Thank you. Again, my name is Paul Basha. I represent John and Christie Garofono,

along Omar Abdallah who is an attorney. We need to go back in time to the early 1990s. The 45-foot right-of-way that currently exists, 15 feet was dedicated. The city did not pay for it. Was given by them in 1992. Pardon me, as many of you know I was a city traffic engineering in 1992. So we are all here because of me in 1992.

[ Laughter ]

State route 101 did not exist. State route 202 did not exist in the late '80s and early '90s there. Was an anti-freeway component in the Scottsdale city council and you can see the ramifications of that anti-freeway.

If you leave Phoenix and drive on the 202 you have to curve south to avoid Scottsdale. That avoidance of Scottsdale was because of an anti-freeway opinion among some members of the Scottsdale city council. There in the late '80s and early '90s, we in the transportation department intended to widen 68<sup>th</sup> street, Miller road and granite reef to four lanes. Two lanes per direction.

And that is why the Garofono approached the city of Scottsdale, we required a 45-foot complete half street dedication. It was to widen 68<sup>th</sup> street to four lanes. Incidentally like we did with 64<sup>th</sup> street south of Indian School Road. There is no motive. No intent to widen 68<sup>th</sup> street. To four lanes. Two in each direction as you are all well aware.

[Time: 01:08:33]

The transportation action plan actually reduces right-of-way width and pavement width for a number of streets here in Scottsdale. It has nothing to do with the -- 45 feet is the city standard. The 35 feet that would remain if the Garofonos' ask is given.

Mayor, you asked why the Garofonos are requesting a 10-foot instead of 5-foot abandonment. Yes, as Mr. Garofono explained, the architect that has prepared plans for the initial -- initial plans for the expansion of the kitchen, told him, advised him that the setback required in the city of Scottsdale from anything more than a 35-foot right-of-way would change the plans for widening kitchen.

As we all know and appreciate Scottsdale has very generous setback requirements. Please remember this is behind an 8 to 10-foot oleander hedge. No one will see that 40-foot larger kitchen, but the city Scottsdale rules for setback would not allow the Garofono to widen and enlarge their kitchen. That's all they want to do.

Another factor for the 10-foot abandonment request, the Garofonos -- well, better said, Christie's parent built the existing oleander hedge, cyclone fence and block wall when that land was privately owned. They built it when the right-of-way was 30 feet. It still remains there now.

The 10-foot right-of-way abandonment request moves that wall and cyclone fence and oleander hedge back on to private property. That's the reason for the 10-foot request. That's why the Garofonos are not requesting a 5-foot abandonment. And let me say this, when Mr. Garofono and I first spoke about this, what he said to me, Paul, if the city needs that 10 feet, I will give them that 10 feet and I will just withdraw my abandonment request. Does the city need it?

I immediately called people in the city transportation department after investigation, they said no. I said no, the city doesn't need that 10 feet for the street or the sidewalk. I suggest you request the 10-foot abandonment. Thank you for the extra time. I appreciate it.

Mayor Ortega: Thank you. We have a motion to deny and a second. I have three more council speakers. So I will call upon councilwoman Whitehead okay. That one is off. Councilwoman Janik and then Littlefield and then we will take our vote.

[Time: 01:11:58]

Councilmember Janik: Thank you. I think the 68<sup>th</sup> street sidewalk association has done a good job of trying to make an area safer with the work they have done to get a sidewalk in and then if we can enhance that by directing some of the drainage issues on camelback. I trust their judgment. And out of respect for them, I will not be voting in favor of granting the additional space. Thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilmember Littlefield: Just to verify what I thought I heard you say. Because it got a little confusing up here. If this is granted, this 10-foot abandonment, there will still be room on the street for the sidewalk. Basically standard going straight up. There's no little cutout or anything like that. The walls of the sidewalk will be the same going forward along the street.

Paul Basha: Mayor Ortega, Councilwoman Littlefield, that is exactly correct. Please understand that I'm a consulting traffic engineer. You may want to ask Dan Worth or Jeff Barnes that question.

Councilmember Littlefield: Mr. Worth?

Dan Worth: Mayor, Councilwoman Littlefield, that is correct we have room for the 6-foot sidewalk, well within the relocated right-of-way. I would point out that right now, frontage is the widest part of the 68<sup>th</sup> street rights way. It's narrower to the north and narrower to the south. In the abandonment is approved we end one 35 feet for the half street, 40 feet on the east side and 75 feet total, it's still wider than what the design standards and the design standards and policy manual call for, which is what the transportation action plan refers to.

Still 5 feet wider than we need to put our cross-section in per design. If you go to the south, it's

wider, even with the abandonment. It's 5 feet narrower. It's only 35 feet and that's still wide enough to get the design to standard street with bike lanes and sidewalks.

Councilmember Littlefield: The street, the bike lanes and the sidewalk, there's plenty of room for all that going through this property on 68<sup>th</sup> street.

Mayor Ortega: Okay. So the motion is to deny. The case. Please record your vote. Okay. The motion failed.

Councilmember Milhaven: I would like to make a motion to approve. Resolution number 12441. Vice Mayor Caputi: Second.

Mayor Ortega: Any other discussion? We're done. Let's vote. 5-2. Thanks. Next.

**ITEM 29 – PUBLIC HEARING ON AND ADOPTION OF FY 2022/23 RATES AND FEES**

[Time: 01:15:50]

Mayor Ortega: Next item 29. Number 29 is the required public hearing on an adoption of the fiscal year 2022/23 rates and fees. I will now ask for the presentation and then we will have public comment. At this point, though, may I state is there a public comment? Okay.

So it's easier for me to open public comment. There appears to be no one public comment. Therefore, I will close the public comment and we will go with our hearing. And presentation by staff. Thank you.

Gina Kirklin: Good evening, Mayor and members of council. This item is the public hearing and request to adopt the fiscal '23 rates and fees. On March 1<sup>st</sup>, directors presented in detail their new and/or changes to rates and fees. Those proposed changes were then posted to the city's website, in mid-March so the public would have an opportunity to review 60 days prior to this meeting.

Additionally, the water and sewer rates were published in the newspaper prior to this meeting, again in an attempt to inform the public. In lieu of each director directing coming up to walk through nearly 70 plus slides of proposed rates and fee details, I will give you a brief recap. I will note the details of proposed rates and fees are included in your council report and the original March 1<sup>st</sup> presentation is part of tonight's council packet.

Additionally directors are available this evening for questions. To recap the March 1<sup>st</sup> presentation, water resources presented the city's proposed increase sewer and water rates and miscellaneous charges.

These are necessary to increase multiple cost factors including dramatically increase raw water costs, chemical costs, repair and replacement of aging infrastructure and drought preparedness. Sewer rates and miscellaneous charges are proposed to be effective July 1<sup>st</sup> of 2022. The sewer

rate change will increase sewer revenues by approximately 4.7%. Water rates are proposed to be effective November 1<sup>st</sup> of 2022. Which will increase water revenues by an approximately 3.4%.

Finally in the enterprise funds public works presented the solid waste rates to adjust vacancy rates, inflation, fleet, and record high brush and bulk trash volume. Moving on to non-enterprise rates and fee increases are proposed to increase inflation, improve customer experience and timely necessary and staffing costs all to address cost recovery. All proposals have a July 1, 2022 effective date.

Planning and development services have proposed increase fees and wireless lease agreement. There was a new PDF conversion request. And also in planning and development, tourism and events proposed increases to the film permit fee for filming in the right-of-way, event application and permit fees and the city equipment replacement and removal fees.

[Time: 01:19:37]

Community services proposed increases to several parks and recreation fees, aquatics fees, WestWorld fees and special program fund, McCormick stillman railroad park fees. Fire proposed fees to existing fees for public education classes. They are proposing a new fee for class on administering first aid and dealing with medical emergencies in the outdoors and in the preserve.

Police proposed fees related to the jail body camera video footage request. And a proposed stormwater fee paid by \$1 by the water utility customers that would be dedicated to the capital and flood control projects. Conclusion, we are recommending adopting the associated resolutions and ordinances shown on this slide and the next slide. This concludes my presentation and, again, the directors are available for questions if you have any.

Mayor Ortega: Thank you. So really at this point, we are opening the hearing. We are open to public comment. There was no public comment. And then you are showing the future resolutions that would be adopted as it moved through the process. We're not actually having an action item, but we certainly could have any if there were a question or a clarification. Is that correct?

Gina Kirklin: If there are any questions we can address them now.

Mayor Ortega: Thank you. Seeing none, we are concluded with that portion.

Gina Kirklin: Thank you. Mayor, members of council, we are asking to you adopt the resolutions and ordinances as shown on this slide, and the next.

Mayor Ortega: So we have two parts and then you are showing the recommendations for action

right now?

Gina Kirklin: Yes.

Mayor Ortega: Okay. Therefore I would call once again for any points of public comment on those resolutions, I apologize if I was unclear to the public.

Councilmember Milhaven: I will move to adopt resolution 12456, and ordinance 4541, adopt ordinance number 4542, adopt resolution 12444, adopt resolution, 12471, thank you. Adopt resolution number 12472, adopt resolution 12488, adopt resolution number 12449, and adopt resolution number 12473.

Councilmember Whitehead: I will second the motion.

Mayor Ortega: We have a motion and a second. Any discussion? Seeing none, please record your vote. Thank you. That's unanimous.

**ITEM 30 – PUBLIC HEARING ON AND ADOPTION OF PROPOSED FY 2022/23 BUDGET  
(TENTATIVE BUDGET)**

[Time: 01:22:49]

Mayor Ortega: We will now move on to item number 30. Item number 30 involved the tentative budget, which is presented and we had input by council, which has been included and noted therefore, I will turn it over to our treasurer, Sonia Andrews.

City Treasurer Andrews: This is a quick presentation on our tentative budget and tentative CIP adoption for fiscal year '22-23. Next slide. So the tentative budget and CIP process is the second step in our multi step budget adoption process.

Back in April 26<sup>th</sup> we provided a full presentation on our proposed fiscal year '22/23 budget and capital improvement plan. Tonight's presentation is a short recap of that, and also to explain some changes we made between the proposed budget and the tentative budget. Next slide.

As a quick recap, the '22/23 budget was put together with these priorities to maintain low taxes. There's no change in our sales tax. A decrease in our property tax rate and modest increase in the utility rates and fees as you just heard. So our budget also -- our budget also provides funding for council priorities as mentioned on the slide and addresses market challenges and our budget maintains the strong bond rating and financial position. Next slide.

I think this is an old slide that you have on there. So next slide, please. The proposed budget we presented back in April totaled 2.108 billion. Next slide. The tentative budget that we are presenting for adoption tonight is April increase of 4 million from the proposed budget. So it totals 2.112 billion.

And most of the increases is in our capital improvement and enterprise funds which I will go over in a little detail -- in detail a little later. The tentative budget once adopted sets the maximum budget authority so we cannot increase our budget above the 1.221 billion. Next slide.

The slide lists the 4 million change or increase from our proposed budget to the tentative budget. These are the items that council approved after our proposed budget was put together. It includes 3.9 million for improvements to the entertainment district, 728,000 for the airport parameter road improvement, 200,000 for a water home serve contract, and we also have some project close outs and other reductions for a net increase of 3.978 million. Next slide. Next slide. Next slide, please. Next slide.

[Time: 01:26:19]

So the proposed -- the tentative budget, there's no change from the proposed budget to the FTE requests and to change to the salary and merit and market adjustment that was proposed. So we have 33.4 FTEs that was proposed and the mark and merit was 5% and 3%. Next slide.

And the change to the capital improvement programs is listed in the slide and as we said in the presentation earlier, it's mainly some of those facilities in the general fund and the airport. And I think that's it. And I'm open for any questions and for this item, we request a public hearing and also adoption of the ordinance 4545.

Mayor Ortega: Thank you. Just to be clear, you showed reserved and contingencies which, you know, mean that this may be some slight adjustment or it's a cushion, really, at least the contingency is. So if there were a small item that might need to run over budget or whatever, we could possibly hear that.

As a contingency increase or entirely new item to our budget, but overall, we have a 2.112 billion budget and I'm in support of that. Is there any -- I see no other discussion. Is there a motion? Councilwoman Whitehead.

Councilmember Whitehead: I wanted to tie into the library. That has come up a few times and I have been going back and forth with Mr. Murphy and our library board members. So you know, I -- I'm really appreciative of the library board because their work did get \$133,000 over to the library budget.

I want to thank staff and the library board members for making that happen. My concern was are we not providing a service because we have enough money? One of the issues that was brought to my attention.

A resident wrote she was 133<sup>rd</sup> on the list for the book and that would imply we don't have enough books. Mr. Murphy replied a book -- a new book was very, very popular. And they had

under ordered the number of books they needed and that includes online and then when they realized it was incredibly popular, they quickly reordered more of the book, and it was backordered.

It sounds to me like there's 21 more copies of that book. But, you know, there's 98 people that we got to get through. So I do think that we need the library board to and to keep working and do what they are doing. I definitely support you looking at the budget and I really appreciate the staff working with me on these concerns. I'm good with it, but absolutely libraries make us rich as a community and I will continue to monitor that and work with the library board.

Mayor Ortega: Okay. And also thank you, for the record, I'm opening public comment. And I hear none, see none. And therefore, I will close public comment for our tentative budget.  
Councilman Littlefield.

[Time: 01:30:09]

Councilmember Littlefield: Thank you. I would like to just say one thing. I went to the opening at the library of the new children's that they opened up for the tiny ones, 2-year-olds and 3-year-olds and it's really amazing.

If you have an opportunity to go to the library and just wander through there, it's stunning, especially -- as I consider what it used to be when I was a kid and I go to the library and it was dark and below the stairs and around the corner, this is amazing. I think it's going to be a great, great year for our library. And I would like to move to adopt ordinance number 4545. As presented.

Mayor Ortega: We have a motion and a second. Any discussion? Seeing none, please register your vote. Thank you. That passes unanimously.

At this point, we have concluded both the consent agenda and the regular agenda items. And once again, we open public comment. Public comment is the opportunity for citizens to come forward and discuss an item which is not on the agenda. I so he none. I hear none.

So we have a -- we're closing the second portion of public comment. That's general public comment. Next, we will move on to the citizen petitions. Which has shown in our charter allows anyone to come forward with a petition. There's none recorded or submitted to the clerk. Therefore, I will close item number 31. There are no petitions.

Moving on to mayor and council items. I have not been informed that there is one or saw it tonight. I do not have one tonight. Therefore, we are concluded. And I would adjourn the regular portion of our city council meeting.