

SCOTTSDALE

CITY COUNCIL MEETING



***** AMENDED *** MEETING NOTICE AND AGENDA**

**[REMOVED ITEM No. 18; REWORDED ITEM Nos. 27 AND 28;
ADDED ITEM Nos. A1, 26A, 26B AND 30]**

COUNCIL

David D. Ortega, Mayor
Tammy Caputi
Tom Durham
Betty Janik

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Tuesday, March 16, 2021

Until further notice, City Hall is closed to the public during Council meetings and these meetings are being held electronically. While physical facilities are not open to the public, City Council meetings are televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to virtually attend and listen/view the meeting in progress. Unless an exception is made, or unless otherwise noted, the Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (April 6, 2021).

Spoken comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 30). To sign up to speak on these items, please click [here](#). Scottsdale citizens may also speak on items that are within the Council's jurisdiction but are not on the agenda (maximum of five speakers). To sign up to speak on a non-agendized item that is within the Council's jurisdiction, please click [here](#). Request to speak forms must be submitted no later than 90 minutes before the start of the meeting. Written comments on any of the items on tonight's agenda that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting. A written public comment may be submitted electronically by clicking [here](#), or on the "click here to submit a written comment on an item" link located at the top of each page of the agenda.

5:00 P.M.

MARKED AGENDA

REGULAR CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:00 P.M.

Roll Call – All present.

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

FOR ADDITIONAL INFORMATION VISIT: WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION

Mayor's Report – Councilmember Durham led the Pledge of Allegiance. Mayor Ortega noted it was the Spring equinox and wished everyone enjoyable Spring celebrations, including Passover, Nowruz, and Easter.

Public Comment – Wanda Sullivan expressed concern about debris and noise levels in her neighborhood due to a nearby bar.

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment."**

ADDED ITEMS

Added Items: Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

***A1. Added Items

Item Nos. 26A and 26B were added to the agenda on March 11, 2021 and require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or continue the added items to the next scheduled Council meeting, which is April 6, 2021.

– Councilwoman Whitehead made a motion to accept the agenda as presented. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

MINUTES

Request: Approve the [Retreat Minutes of February 23, 2021](#); [Work Study Session Minutes of March 2, 2021](#); [Regular Meeting Minutes of March 2, 2021](#); [Special Meeting Minutes of March 3, 2021](#); and Executive Session Minutes of March 3, 2021.

– Vice Mayor Janik made a motion to approve the Retreat Minutes of February 23, 2021; Work Study Session Minutes of March 2, 2021; Regular Meeting Minutes of March 2, 2021; Special Meeting Minutes of March 3, 2021; and Executive Session Minutes of March 3, 2021. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

CONSENT AGENDA **ITEMS 1-26B**

How the Consent Agenda Works: The Council may take one vote to act on all of the items on the Consent Agenda or may remove items for further discussion. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

– Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 26B, with the exception of Item 18, which was removed at the request of staff, and Item 23, which was moved to the Regular Agenda at the request of Councilmember Milhaven. Councilwoman Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voted in the affirmative.

1. **Valley Wings Liquor License (8-LL-2021) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.
Location: 1495 N. Hayden Road, Suite D-10
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Southern Glazer's of AZ Liquor License (9-LL-2021) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesaler) State liquor license for a new location and owner.
Location: 2115 N. Scottsdale Road, Suite 105
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Macayo's Restaurant Liquor License (10-LL-2021) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 8608 E. Shea Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Old Town Scottsdale Liquors Liquor License (14-LL-2021) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9 (liquor store) State liquor license for a new location and owner.
Location: 4165 N. Craftsman Court
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **St. Patrick's Catholic Church Abandonment (3-AB-2020) – Approved on Consent.**
Request: Adopt **Resolution No. 12082** authorizing the abandonment of 55-foot-wide E. Mercer Lane right-of-way, including the cul-de-sac, located west of N. 85th Place, surrounded by Parcel No. 175-29-005E with Single-Family Residential (R1-35) zoning.
Location: 10815 N. 84th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
6. **Prasanth Residence Abandonment (10-AB-2020) – Approved on Consent.**
Request: Adopt **Resolution No. 12089** authorizing the abandonment of 33 feet of General Land Office Patent easement located along the western boundary of Parcel No. 217-32-001E with Single-Family Residential District (R1-43) zoning.
Location: 9916 N. 124th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Elrod Residence Abandonment (12-AB-2020) – Approved on Consent.**
Request: Adopt **Resolution No. 12091** authorizing the abandonment of 33 feet of General Land Office Patent easement located along the northern and western boundaries of Parcel No. 217-32-001B with Single-Family Residential District (R1-43) zoning.
Location: 9950 N. 124th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Storyrock 1A Section B Final Plat (5-PP-2016#10) – Approved on Consent.**
Request: Approve the final plat for Storyrock 1A Section B to replat Phase 1A of the Master Plat for the Storyrock subdivision for 35 lots and 8 tracts on 462± acres zoned Planned Community District, Environmentally Sensitive Lands, with multiple Single-Family Residential District comparable zonings (R1-18 ESL, R1-43 ESL, R1-35 ESL, and R1-70 ESL).
Location: Southeast corner of 128th Street and Ranch Gate Road

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

9. **[Storyrock 2B Final Plat \(5-PP-2016#11\)](#) – **Approved on Consent.**
Request: Approve the final plat for Storyrock 2B of the Master Plat for the Storyrock subdivision for 37 lots and 5 tracts on 462± acres zoned Planned Community District, Environmentally Sensitive Lands, with multiple Single-Family Residential District comparable zonings (R1-18 ESL, R1-43 ESL, R1-35 ESL, and R1-70 ESL).
Location: Southeast corner of N. 128th Street and E. Alameda Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
10. **[Emerald Hills Ranch Final Plat \(3-PP-2020\)](#) – **Approved on Consent.**
Request: Approve the final plat for a new 7-lot, single-family residential subdivision with amended development standards on an 8.5±-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.
Location: 10030 N. 124th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
11. **[Public and Event Spaces on Civic Center Plaza Preconstruction Phase Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12101** authorizing CM@Risk Contract No. 2021-029-COS with Willmeng Construction, Inc., in the amount of \$191,154, to provide preconstruction phase services for Bond 2019 Project 1 – Replace Aging Infrastructure and Improve Public and Event Spaces on Civic Center Plaza.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
12. **[Fire Department Medical Director Professional Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12088** authorizing Contract No. 2016-016-COS-A1 with HonorHealth for a two-year extension for medical director services for the Fire Department.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov**
13. **[Fire Service Training Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12098** authorizing Agreement No. 2021-027-COS with the City of Mesa for joint fire service training between the Mesa Fire and Medical Department and the Scottsdale Fire Department.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov**
14. **[Audit Services Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12083** to authorize:
 1. Agreement No. 2021-023-COS with the Scottsdale Unified School District No. 48 for financial and performance audit and investigation services.
 2. The City Auditor, or designee, to execute any related documents and take such other actions as necessary in connection with the intergovernmental agreement.**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov**
15. **[Recyclable Materials Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12105** to authorize:
 1. Agreement No. 2020-045-COS-A1 with the City of Phoenix for a one-year extension to the intergovernmental agreement for the processing and disposition of recyclable materials.
 2. The revised fee schedule for recycling set forth in Agreement No. 2020-045-COS-A1.**

3. The City Manager, or designee, to approve future contract extensions and pricing schedule modifications to Agreement No. 2020-045-COS with the City of Phoenix for the balance of the allowable extensions set forth therein.

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

16. Paiute Neighborhood Center License Agreement – Approved on Consent.

Request: Adopt **Resolution No. 12085** to authorize:

1. Agreement No. 2021-011-COS with Southwest Autism Research & Resource Center to use space at the Paiute Neighborhood Center to operate a community school.
2. The City Manager, or designee, to execute any other documents or take other actions as necessary in connection with the license agreement.

Staff Contact(s): Greg Bestgen, Human Services Director, 480-312-0104, gbestgen@scottsdaleaz.gov

17. Data Sharing Intergovernmental Agreement – Approved on Consent.

Request: Adopt **Resolution No. 12099** authorizing Agreement No. 2021-028-COS with the Arizona Board of Regents for and on behalf of Arizona State University to share police report information on incidents within the jurisdiction of the Scottsdale Police Department.

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

*****18. DUI Impaired Driving Education and Enforcement Grant – Removed from the agenda at the request of staff.**

(Removed at the request of staff.)

19. Impaired Driving Enforcement Grant – Approved on Consent.

Request: Adopt **Resolution No. 12064** to authorize:

1. Acceptance of a Governor's Office of Highway Safety (GOHS) Grant in the amount of \$150,000 for the funding of a portion of two existing prosecutor positions.
2. The City Attorney, or designee, to execute and submit any related documents and agreements in connection with the acceptance of the grant.
3. A budget transfer in the amount of \$150,000 from the FY 2020/21 Future Grants Budget and/or Grant Contingency Budget split into two newly created cost centers, one for each funding source based on the award to record related grant activity.
4. A budget transfer in an amount not to exceed \$150,000 from the FY 2020/21 General Fund Budget from Personnel Services to Contractual Services within the City Attorney Division to utilize the savings generated from the GOHS grant to cover anticipated expense increases, such as outside counsel expenses, resulted from the additional scope of work from said grant.

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

20. Family Self Sufficiency Grant – Approved on Consent.

Request: Adopt **Resolution No. 12076** to authorize:

1. Acceptance of a Family Self Sufficiency Grant in the amount of \$33,750 from the U.S. Department of Housing and Urban Development (HUD) to enable HUD assisted families participating in the City of Scottsdale's Housing Choice Voucher Program to increase their earned income and reduce their dependency on welfare assistance and rental subsidies.
2. The City Manager, or designee, to execute a grant agreement and any other documents and to take such other actions as necessary in connection with the acceptance of the grant.

Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov

21. Offenses—Miscellaneous Code Amendment – Approved on Consent.

Request: Adopt **Ordinance No. 4489** amending Scottsdale Revised Code, Chapter 19, Offenses—Miscellaneous, to add Section 19-22 prohibiting intentionally or knowingly aiming a laser pointer, laser emitting device, or tactical light at a peace officer, law enforcement employee or firefighter.

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

22. **Special Event Liquor License Approvals Code Amendment – Approved on Consent.**
Request: Adopt **Ordinance No. 4490** amending Scottsdale Revised Code, Chapter 16, License, Taxation and Miscellaneous Business Regulations, Section 16-188, regarding special event liquor license approvals.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
23. **Parks, Recreation and Cultural Affairs Code Amendment and City Park Designation – Assistant City Manager Bill Murphy gave the presentation.**
– Councilwoman Whitehead made a motion to approve Item 23 [Parks, Recreation and Cultural Affairs Code Amendment and City Park Designation] and adopt Ordinance No. 4493 and Resolution No. 12102. Councilwoman Littlefield seconded the motion, which carried 5/2, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Durham, Littlefield, and Whitehead voting in the affirmative and Councilmembers Caputi and Milhaven dissenting.
Requests:
1. Adopt **Ordinance No. 4493** amending Scottsdale Revised Code, Chapter 20, Parks, Recreation and Cultural Affairs, Sections 20-30 and 20-31 regarding the definition of a city park and to accommodate special events in parks.
2. Adopt **Resolution No. 12102** to authorize:
a. The designation of the city property within Soleri Plaza as a city park named “*Solstice Park*”.
b. An amendment to the Parks and Recreation Element of the 2015 Community Services Master Plan to include Solstice Park as a neighborhood park.
c. The City Manager to take all action necessary to effectuate the resolution, including the installation of appropriate signage.
Staff Contact(s): Bill Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsdale.gov
24. **Associate City Judge Reappointment – Approved on Consent.**
Request: Discuss, consider, and act on the potential reappointment of Orest Jejna, Associate Judge, to a term of four years, as set forth in the City Code, to begin on May 1, 2021.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
25. **Greenway-Hayden/Frank Lloyd Wright Public Art Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 12086** authorizing a FY 2020/21 General Fund Capital Contingency Budget Appropriation transfer in the amount of \$80,163 to the Greenway-Hayden/Frank Lloyd Wright Public Art (DG01) capital project to be funded by the Airpark Cultural Trust fund.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
26. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2020/21 Monthly Financial Report as of January 2021.
Staff Contact(s): Sylvia Dlott, Acting Budget Director, 480-312-2419, sdlott@scottsdaleaz.gov
- ***26A. **City Treasurer Appointment and Employment Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12110** to authorize:
1. Appointment of Sonia K. Andrews to the position of City Treasurer effective June 1, 2021.
2. Employment Agreement No. 2021-033-COS with Sonia K. Andrews.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
- ***26B. **Aviation Code Amendment – Approved on Consent.**
Request: Adopt **Ordinance No. 4494** amending Scottsdale Revised Code, Chapter 5, Aviation, Section 5-101, regarding definitions of the code, to help foster the long-term economic health and enhance the safe operating environment at the Airport/Airpark and provide clarity to the language.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

REGULAR AGENDA ITEMS 27-30

How the Regular Agenda Works: The Council takes action on each item on the Regular Agenda.

- ***27. [The Kimsey – Triangle \(10-ZN-2020 and 4-DA-2020\)](#) – Councilmember Milhaven made a motion to continue Item 27 [The Kimsey – Triangle (10ZN-2020 and 4-DA-2020)] to April 6, 2021. Councilwoman Whitehead seconded the motion, which carried 7/0 with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.
Request: At the request of the applicant, continue to the April 6, 2021, City Council meeting.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- ***28. [Sherwood Heights Planned Residential Development Amendment \(16-ZN-2003#2\)](#)
Request: Adopt **Ordinance No. 4492** approving a request by multiple owners to amend the Single-Family Residential, Planned Residential Development (R1-10 PRD) district minimum lot area requirement from 10,000 square feet to 15,325 square feet to be applied to 80 of the 118 properties in the Sherwood Heights subdivision.
Location: N. 56th Street to N. 60th Street and E. Wilshire Drive south to E. Oak Street
Presenter(s): Doris McClay, Senior Planner
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
– Senior Planner Doris McClay and Applicant Representative Lauren Trapp gave separate presentations.
– Councilwoman Whitehead made a motion to approve Sherwood Heights Planned Residential Development Amendment (16-ZN-2003#2) and adopt Ordinance No. 4492 approving a request by multiple owners to amend the Single-Family Residential, Planned Residential Development (R1-10 PRD) district minimum lot area requirement from 10,000 square feet to 15,325 square feet to be applied to 80 of the 118 properties in the Sherwood Heights subdivision. Vice Mayor Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.
29. [Monthly Financial Update](#)
Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of February 2021.
Presenter(s): Judy Doyle, Acting City Treasurer
Staff Contact(s): Sylvia Dlott, Acting Budget Director, 480-312-2419, sdlott@scottsdaleaz.gov
– Acting City Treasurer Judy Doyle gave the presentation.
– No City Council action was taken on the item.
- ***30. [Planning Commission Membership](#)
Request: Consider the continuing membership and potential removal of Prescott Smith on the Planning Commission in light of Mr. Smith’s number of case recusals. This item was added to the agenda at the request of Mayor Ortega; Vice Mayor Janik; and Councilmembers Durham and Littlefield.
– Mayor David Ortega presented the item.
– Councilmember Milhaven made a motion to take no action on the item. Councilwoman Caputi seconded the motion, which failed 3/4, with Councilmembers Caputi, Milhaven, and Whitehead voting in the affirmative, and Mayor Ortega; Vice Mayor Janik; and Councilmembers Durham and Littlefield dissenting.
– Vice Mayor Janik made a motion to dismiss Mr. Smith from the Planning Commission. Councilman Durham seconded the motion, which carried 4/3, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Durham and Littlefield voting in the affirmative and Councilmembers Caputi, Milhaven, and Whitehead dissenting.

Mayor and Council Items – Councilwoman Littlefield made a motion to direct staff to agendize a work study session to be scheduled at Council convenience for review and possible update on the

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procedures, guidelines and protocols pertaining to the City's Board and Commission members and to determine the various rules and related items, including a possible questionnaire for potential board and commission members, that may need to be updated. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

Adjournment – 6:37 P.M.