

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Tuesday, April 6, 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 20, 2021).

Spoken comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 23). 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 – 5:11 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).

Mayor's Report – Mayor Ortega reported that on April 22, 2021, the Arizona Department of Health Services will open a vaccine site at WestWorld and will be offering 3,000 to 4,000 appointments per day. Mayor Ortega encouraged everyone to get vaccinated and continue to practice safety measures. Mayor Ortega shared the activities scheduled for Western Week in Scottsdale which starts April 10, 2021. Information is available at www.scottsdalewesternweek.com.



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

Presentations/Information Updates

- **Scottsdale Arts Update – Scottsdale Arts President and CEO Gerd Wuestemann gave the presentation.**

Presenter(s): Gerd Wuestemann, President and CEO

Public Comment – None

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

MINUTES

Request: Approve the [Work Study Session Minutes of March 9, 2021](#); and [Regular Meeting Minutes of March 16, 2021](#).

– Vice Mayor Janik made a motion to approve the Work Study Session Minutes of March 9, 2021 and Regular Meeting Minutes of March 16, 2021. 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.

CONSENT AGENDA **ITEMS 1-21**

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 21. Councilmember Caputi 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.

1. [Urbana Liquor License \(11-LL-2021\)](#) – **Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.

Location: 15125 N. Scottsdale Road, Suite 105

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

2. [The Preserve Tavern & Grille Liquor License \(12-LL-2021\)](#) – **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: 15745 N. Hayden Road, Suite 117

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

3. [Tandoori Times & Spices Liquor License \(13-LL-2021\)](#) – **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: 14891 N. Northsight Boulevard, Suites 119 and 120

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

4. **[Sonesta Select Scottsdale at Mayo Liquor License \(15-LL-2021\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel) State liquor license for a new location and owner.
Location: 13444 E. Shea Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **[Sonesta Es Suites Scottsdale Liquor License \(16-LL-2021\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license for an existing location with a new owner.
Location: 6040 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **[Buzzed Bull Creamery Liquor License \(18-LL-2021\) – 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: 7135 E. Camelback Road, Suite 151
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **[Permanent Extension of Premises for Unbaked \(3-EX-2021\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor License and Control for a permanent extension of premises for a Series 12 (restaurant) State liquor license for an existing location to add a new patio.
Location: 3712 N. Scottsdale Road, Suite 105
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **[Super Star Car Wash Conditional Use Permit Amendment \(5-UP-1969#2\) – Approved on Consent.](#)**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 12103 approving a Conditional Use Permit amendment to make site plan changes to an existing car wash site with Highway Commercial (C-3) and General Commercial (C-4) zoning.
Location: 3006 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
9. **[McDowell Road Bicycle Lanes from Pima Road to 64th Street Capital Improvement Plan Project – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12096** to authorize:
 1. Construction Bid Award No. 20PB028 with AJP Electric, Inc., the lowest responsive bidder, in the amount of \$3,791,046.95 for construction of the McDowell Road Bicycle Lanes from Pima Road to 64th Street Project (SD01).
 2. Acceptance of a federal grant in the amount of \$980,341.00 from the Congestion Mitigation and Air Quality Improvement Program through the Maricopa Association of Governments.
 3. A FY 2020/21 Transportation Fund Capital Contingency Budget appropriation transfer in the amount of \$1,039,598.00 to the capital project titled “*McDowell Road Bicycle Lanes from Pima Road to 64th Street (SD01)*” to be funded by the federal grant (\$980,341.00) and by the Transportation 0.2% Sales Tax (\$59,257.00)**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
10. **[Bell Road at Thompson Peak Parkway and Perimeter Drive Median Improvements – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12117** authorizing Construction Bid Award No. 21PB009 with AJP Electric, Inc., the lowest responsive bidder, in the amount of \$302,707.35 for construction of median improvements at Bell Road at Thompson Peak Parkway and Perimeter Drive.

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

11. **[Booster Pump Station 10 Pump and Electrical Improvements Project](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12118** authorizing Construction Bid Award No. 21PB012 with Garney Companies, Inc., the lowest responsive bidder, in the amount of \$590,365.00 for the Booster Pump Station 10 Pump and Electrical Improvements Project.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**

12. **[Citywide Civil/Site Construction Projects Job Order Contracts](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12121** authorizing the following job order contracts in a total amount not to exceed \$10,000,000.00 for the initial two-year term of each contract for Citywide civil/site construction projects:
 1. Contract No. 2021-037-COS with DBA Construction, Inc.
 2. Contract No. 2021-038-COS with B&F Contracting, Inc.
 3. Contract No. 2021-039-COS with Hunter Contracting Co.
 4. Contract No. 2021-040-COS with Nesbitt Contracting Co., Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**

13. **[Paiute Park License Agreement Amendment](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12087** authorizing Agreement No. 2020-075-COS-A1, the first amendment to the agreement with the Salt River Project Agricultural Improvement and Power District to continue to operate and maintain Paiute Park, effective May 1, 2021 through April 30, 2031.
Location: East side of 64th Street and south of Osborn Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**

14. **[Acquisition of Right-of-Way for New Sewer Lift Station](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12081** to authorize:
 1. The acquisition of ±13,000 square feet of right-of-way from the Arizona State Land Department (ASLD) for a 50-year term in an amount equal to ASLD's appraised value for the construction of a new sewer lift station.
 2. The City Manager, or designee, to pay all amounts necessary to purchase the right-of-way and to make decisions and render such performance as necessary to complete the transaction.
 3. The City Treasurer to utilize the funds from the City's Capital Improvement Plan budget to pay the full purchase price for the right-of-way and other fees reasonably necessary to complete the transaction.**Location:** Southwest corner of Jomax Road and 56th Street
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**

15. **[Animal Care and Control Services Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12107** authorizing Agreement No. 2021-032-COS with Maricopa County for the provision of animal care and control services.
Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov**

16. **[Criminal Justice User Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12111** to authorize:
 1. Agreement No. 2021-034-COS with the Arizona Department of Public Safety (DPS) for use of the Arizona Criminal Justice Information System.
 2. The City Attorney to execute Agreement No. 2021-034-COS with DPS.**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov**

17. **[Elevated Blood Lead Level Data Sharing Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12104** to authorize:
 1. Agreement No. 2021-030-COS with the Maricopa County Public Health Department.**

2. The City Manager, or designee, to execute any other documents and to take such other actions as necessary.

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

18. **Housing Choice Voucher Program Fiscal Year (FY) 2021/22 Annual Agency Plan – Approved on Consent.**

Request: Adopt **Resolution No. 12079** to authorize:

1. The submission of the Scottsdale Housing Agency FY 2021/22 Public Housing Agency Streamlined Annual Plan for the Housing Choice Voucher Program to the U.S. Department of Housing and Urban Development (HUD).
2. The acceptance of Housing Choice Vouchers to assist current tenants of HUD-assisted properties opting out of federal assistance and any additional Housing Choice Vouchers that HUD may offer during FY 2021/2022.
3. The City Manager, or designee, to execute any other documents and take such other actions as are necessary.

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

19. **Public Housing Agency Governing Body Designation – Approved on Consent.**

Request: Adopt **Resolution No. 12108** authorizing the designation of the Human Services Advisory Commission, with the addition of one Scottsdale Housing Program participant in good standing, to serve as the public housing agency governing body for the City of Scottsdale; and delegating necessary authorities.

Staff Contact(s): Bill Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsdale.gov

20. **2020 Boards and Commissions Annual Reports – Approved on Consent.**

Request: Accept the 2020 annual report approved by each publicly appointed board, commission, and working task force.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2412, blane@scottsdaleaz.gov and Rommel Cordova, City Clerk Supervisor, 480-312-2424, rcordova@scottsdaleaz.gov

21. **Dana Joe McDonald Settlement Agreement and General Release of All Claims – Approved on Consent.**

Request: Adopt **Resolution No. 12106** authorizing Agreement No. 2021-031-COS with Dana Joe McDonald in the amount of \$135,000.00 to settle Dana Joe McDonald's lawsuit against the City and its employees.

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

REGULAR AGENDA ITEMS 22-23

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

22. **Drought Management Plan Update**

Requests:

1. Adopt **Resolution No. 12120** declaring the document titled "Drought Management Plan 2021" to be a public record.
2. Adopt **Ordinance No. 4496** adopting the Drought Management Plan 2021.

Presenter(s): Gretchen Baumgardner, Water Policy Manager

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

– Water Policy Manager Gretchen Baumgardner gave the presentation.

– Councilmember Milhaven made a motion to adopt Resolution No. 12120 declaring the document titled “*Drought Management Plan 2021*” to be a public record and Ordinance No. 4496 adopting the Drought Management Plan 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.

23. [The Kimsey – Triangle \(10-ZN-2020 and 4-DA-2020\)](#)

Requests:

1. Adopt **Ordinance No. 4491** approving a zoning district map amendment from Central Business Downtown Overlay (C-2 DO) district to Downtown/ Downtown Multiple Use Type-2 Planned Block Development Downtown Overlay (D/DMU-2 PBD DO) district on ±3.47 acres of a ±3.87 acre site, and Downtown/ Downtown Multiple Use Type-2 Planned Block Development Downtown Overlay Historic Property (D/DMU-2 PBD DO HP) district on ±0.40 acres of a ±3.87 acre site with a Development Plan and 36% parking reduction for hotel, for a mixed-use development including a 168 room hotel, 190 dwelling units, restaurant and support commercial uses, and a Historic Preservation Plan.
2. Adopt **Resolution No. 12090** declaring the document titled “*The Kimsey Development Plan*” to be a public record.
3. Adopt **Resolution No. 12095** declaring the document titled “*The Kimsey Building Historic Preservation Plan and Design Guidelines*” to be a public record.
4. Adopt **Resolution No. 12094** authorizing Development Agreement No. 2021-025-COS with PEG PHX Indian School, LLC.

Location: 7110 and 7120 E. Indian School Road; 7117 E. 3rd Avenue

Presenter(s): Bryan Cluff, Principal Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664,

rgrant@scottsdaleaz.gov

– **Principal Planner Bryan Cluff and Applicant Representatives John Berry and Doug Syndor gave presentations.**

– **Councilmember Milhaven made a motion to adopt Ordinance No. 4491, Resolution No. 12090 declaring the document titled “*The Kimsey Development Plan*” to be a public record, Resolution No. 12095 declaring the document titled “*The Kimsey Building Historic Preservation Plan and Design Guidelines*” to be a public record, and Resolution No. 12094 authorizing Development Agreement No. 2021-025-COS with PEG PHX Indian School, LLC. Councilwoman Caputi seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Milhaven, and Whitehead voting in the affirmative and Councilwoman Littlefield dissenting.**

Mayor and Council Items – None

Adjourn the City Council Regular Meeting and Convene the City Council Work Study Session

– 7:45 P.M.

CITY COUNCIL WORK STUDY SESSION

– City Council Work Study Session called to order at 7:59 p.m.

Roll Call – All present

Work Study Sessions: Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

Public Comment: To provide an opportunity for public input yet continue to maximize the amount of time available for the Council to have focused discussions, spoken comment (maximum of five speakers) is being accepted on the item(s) on tonight’s work study session agenda. To sign up to speak, please click [here](#). **Request to speak forms must be submitted no later than 90 minutes before the start of the meeting. – None**

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [here](#). Written comments that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting.

1. [Draft General Plan 2035 Update \(1-GP-2021\)](#)

Request: Presentation, discussion, and possible direction to staff regarding the Draft General Plan 2035.

Presenter(s): Erin Perreault, Planning and Development Area Director

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

– Planning and Development Area Director Erin Perreault gave the presentation.

– Council made the following suggestions for the Vision Statement (Attachment 6):

- **Reword paragraph under Distinctive Character to: “Scottsdale respects and is sensitive to the unique history and sense of place found throughout the City in our Old Town, our historic neighborhoods, our outdoor and equestrian experience, recreational activities, and cultural and architectural resources.”**
- **Remove the words “which extends” from the Distinctive Character paragraph.**
- **Make no changes to the Distinctive Character paragraph.**

Adjournment – 8:46 P.M.