

SCOTTSDALE CITY COUNCIL MEETING



*** AMENDED *** MEETING NOTICE AND AGENDA [REWORDED ITEM 11]

COUNCIL

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

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Thursday, August 26, 2021

The City Hall Kiva Forum (Kiva) is open to the public during City Council meetings at a reduced capacity. Seating in the Kiva will be available on a first come, first served basis. Once capacity has been reached, individuals will be directed to a nearby location to view the televised meeting. The Mayor will announce the names of speakers in advance to give those attending the meeting from the nearby location sufficient time to enter the Kiva and make their comments in person. As seating in the Kiva becomes available, individuals waiting in the nearby location will be asked to come to City Hall.

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to virtually attend, participate telephonically, 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 (September 14, 2021).

In-person or telephonic comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 11). 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, with a total of 15 minutes at the beginning and 15 minutes at the end of the meeting dedicated to comment on non-agendized items. To sign up to speak in person or telephonically on a non-agendized item that is within the Council's jurisdiction, please click [here](#).

Online Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted no later than 90 minutes before the start of the meeting and you must indicate whether you will be addressing the Council in person or telephonically.

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](#).

5:00 P.M.

Marked Agenda

REGULAR CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard



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

Call to Order – 5:03 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).

Pledge of Allegiance – Mayor Ortega

Mayor's Report – Mayor Ortega invited Scottsdale students to participate in the City's "We the People Constitution Day" contest. This contest promotes civic engagement, community reflection, and understanding of the principles that guide our participation in this representative form of government. Entries are due September 17th, which commemorates the formation and signing of the Constitution in 1787. Mayor Ortega directed interested students to www.Scottsdaleaz.gov for instructions on how to participate. There will be a celebration in October and entries will include a variety of art projects and essays submitted by children of all ages.

Public Comment – Debbie Lovas presented a citizen petition asking that concerns related to noise and light abatement be heard and acted on after one year of the Miller Road expansion project completion or as deemed necessary. Mary Brockman spoke about a planned multi-use trail from Pinnacle Peak Road to the future Rawhide Wash Bridge.

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. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak [form](#) must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

CONSENT AGENDA ITEMS 1-6

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 6. 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.

1. **[Ling's Wok Shop Liquor License \(53-LL-2021\)](#) – 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: 20511 N. Hayden Road, Suite 100

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

2. **Arizona Canal Banks Land Use License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12234** authorizing:
 1. Land Use License Agreement No. 2021-128-COS with the Salt River Project Agricultural Improvement and Power District for the continued recreational use of the Arizona Canal Banks from 60th Street to just west of Pima Road.
 2. The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

3. **Pool Construction Job Order Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12236** authorizing Contract No. 2018-136-COS-A2 with Shasta Industries, Inc., for a one-year contract extension in an amount not to exceed \$5,000,000 for pool construction projects throughout the City.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

4. **Preserve Trails Construction Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12237** authorizing the following job order contract modifications for a one-year contract extension in an amount not to exceed \$2,000,000 per contract, for McDowell Sonoran Preserve trail projects throughout the City:
 1. Contract No. 2017-138-COS-A3 with American Conservation Experience
 2. Contract No. 2017-139-COS-A3 with Cuddy Mountain Trail Company**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

5. **Aquifer Storage and Recovery Wells Project Construction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12242** authorizing Contract Manager at Risk Contract No. 2020-136-COS-A1 with MGC Contractors, Inc., in an amount not to exceed \$5,950,104.04, for the construction (drilling) of the City of Scottsdale’s Aquifer Storage and Recovery Wells 159, 160, and 161.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

6. **Electrical Instruments and Controls Systems Design Engineering Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12238** authorizing the following one-year contract extensions in an amount not to exceed \$1,000,000 per contract for electrical instruments and controls systems design at various project locations throughout the City:
 1. Contract No. 2018-128-COS-A2 with Arcadis U.S., Inc.
 2. Contract No. 2018-129-COS-A2 with Brown and Caldwell, Inc.
 3. Contract No. 2018-130-COS-A2 with Black & Veatch Corporation**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

REGULAR AGENDA ITEMS 7-11

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

7. **Bartlett Dam Modification Feasibility Study Memorandum of Understanding**
Request: Adopt **Resolution No. 12232** to authorize:
 1. Memorandum of Understanding No. 2021-126-COS with Salt River Valley Water Users’ Association, Salt River Project Agricultural Improvement and Power District, and other participating entities to support the Bartlett Dam Modification Feasibility Study.

2. The Water Resources Executive Director, or designee, to amend Exhibit A of Contract No. 2021-126-COS to reflect changes in participating entities and to execute any other documents and take such other actions as are necessary to carry out the intent of this Resolution.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director and Gretchen Baumgardner, Water Policy Manager

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

– Water Resources Executive Director Brian Biesemeyer gave the PowerPoint presentation.

– Mayor Ortega made a motion to adopt Resolution No. 12232 approving Contract No. 2021-126-COS, a Memorandum of Understanding between the City and Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and other participating entities to support the Bartlett Dam Modification Feasibility Study. 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.

8. **Sewer Line Extension Program Changes**

Request: Adopt **Ordinance No. 4507** amending portions of Scottsdale Revised Code, Chapter 49, Article V, Water, Sewer Extensions and Reimbursement Agreements.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director

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

– Water Resources Executive Director Brian Biesemeyer gave the PowerPoint presentation.

– Vice Mayor Janik made a motion to adopt Ordinance No. 4507 authorizing changes to the City Code for sewer line extension participation and line payback agreements. 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.

9. **Temporary Housing**

Request: Presentation, discussion, and possible direction to staff regarding a possible coalition of participants, including the State of Arizona, Maricopa County, Valleywise Health, and the Cities of Scottsdale, Mesa, and Tempe, to address solutions related to homelessness in the East Valley.

Presenter(s): Greg Bestgen, Human Services Department Director

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

– Human Services Department Director Greg Bestgen gave the PowerPoint presentation.

– Mayor Ortega made a motion to direct the City Manager, City Attorney, and other relevant staff to speak with their counterparts to construct a framework to address solutions related to homelessness in the East Valley, which would come back to Council for review, and to provide updates as appropriate. Vice Mayor Janik seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, and Whitehead voting in the affirmative and Councilmember Milhaven dissenting.

10. **Public Safety Plan Ordinance**

Request: Presentation, discussion, and possible action to direct the City Manager in consultation with the City Attorney to return to Council with recommended amendments to the Public Safety Plan Ordinance (Scottsdale Revised Code Chapter 23, Article 4) and conduct related public outreach in advance of doing so. This item was added to the agenda at the request of Mayor Ortega, Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead.

Presenter(s): Jeff Walther, Chief of Police

Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov
– **Chief of Police Jeff Walther gave the PowerPoint presentation.**

– **Councilwoman Littlefield made a motion to direct the City Manager in consultation with the City Attorney to return to Council with recommended amendments to the Public Safety Plan Ordinance and conduct related public outreach as expeditiously as possible. Mayor Ortega 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.**

*****11. Financial Update – Preliminary Fiscal Year (FY) 2021**

Request: Receive, discuss, and provide possible direction for City Treasurer’s financial presentation on preliminary FY 2021 results.

Presenter(s): Sonia Andrews, City Treasurer

Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

– **City Treasurer Sonia Andrews gave the PowerPoint presentation.**

Public Comment – None

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CITIZEN PETITIONS

ITEM 12

Citizen Petitions: This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak [form](#) must be submitted, together with the petition(s), **before** the second Public Comment period begins.

12. Receipt of Citizen Petitions

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

– **Mayor Ortega made a motion to take no action but acknowledge receipt of the petition. The motion died for lack of a second.**

– **Councilmember Milhaven made a motion to ask the City Manager to respond to the petition with a copy to the City Council. The motion died for lack of a second.**

– **Councilwoman Littlefield made a motion to direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner. Mayor Ortega 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.

MAYOR AND COUNCIL

ITEM 13

13. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for September 14, 2021)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration.

- Building Advisory Board of Appeals (three vacancies) – **Councilwoman Caputi nominated Brian Brose and Michael Kravit.**
- Citizens' Bond Oversight Committee (one vacancy) – **Councilwoman Whitehead nominated Laraine Rodgers.**
- Historic Preservation Commission (one vacancy) – **Councilmember Milhaven nominated Rose Smith.**
- Human Relations Commission (two vacancies) – **Mayor Ortega nominated James Eaneman and Emily Hinchman.**
- Human Services Commission (three vacancies) – **Councilwoman Littlefield nominated Nancy Cantor, Jeff Jameson, and Tricia Serlin; Vice Mayor Janik nominated Diane Lester; Councilmember Durham nominated Dawn Abel; and Councilwoman Caputi nominated Neal Shearer and Paula Sturgeon.**
- Judicial Appointments Advisory Board (two vacancies; one-Scottsdale bar representative and one-citizen representative) – **Vice Mayor Janik nominated Susan Galpin-Tyree for the Citizen representative position and Robert Gruler, Jr. for the Scottsdale Bar Association representative position.**
- Tourism Development Commission (two vacancies; one-industry representative; one-Scottsdale Hotelier representative) – **Councilmember Durham nominated Chris Montgomery for the Industry representative position and Richard Newman for the Scottsdale Hotelier representative position.**
- Transportation Commission (one vacancy) – **Councilwoman Caputi nominated Kerry Wilcoxon and Councilwoman Whitehead nominated B. Kent Lall.**

Note: The only Council action to be taken on Item No. 13 is to select nominees for appointment consideration at a future Council meeting.

Adjournment – 7:29 P.M.

– Councilwoman Littlefield made a motion to adjourn the Regular Meeting. 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.