

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, November 16, 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 (December 7, 2021).

In-person or telephonic comment is being accepted on Items 1 through 19. 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 – 5:00 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).

Pledge of Allegiance – Thunderbird Branch of the Boys & Girls Clubs of Greater Scottsdale

Mayor’s Report – Mayor Ortega reported that Canal Convergence concluded on Sunday. The event was a great success. There was a heartwarming tribute to Judd Herberger. Billie Jo and Judd Herberger are philanthropists and ambassadors for Scottsdale and the art world. They will always be remembered for their significant contributions to the arts.

– Mayor Ortega congratulated the Desert Mountain High School boys and girls swim and dive teams for winning the Division 2 state championship. He also congratulated the Chaparral girls swim team for winning the Division 1 state championship for the second year in a row.

– Mayor Ortega, on behalf of the Council and city staff, wished everyone a safe and happy Thanksgiving.

Presentations/Information Updates – Scottsdale Sister Cities Association President Donna Hartz gave a PowerPoint presentation.

- **Scottsdale Sister Cities Association**
Presenter(s): Donna Hartz, President

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. 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.”**

MINUTES

Request: Approve the [Regular Meeting Minutes of October 19, 2021](#).

– Councilwoman Janik made a motion to approve the Regular Meeting Minutes of October 19, 2021. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-16

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 Janik made a motion to approve Consent Agenda Items 1 through 16. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. **J.T. Prime Kitchen Liquor License (73-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: 4216 N. Brown Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Uniq Burger Liquor License (74-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: 7730 E. McDowell Road, Suite 108-B
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Taza Bistro Mediterranean Fusion Liquor License (78-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: 9619 N. Hayden Road, Suite 108
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Personality Juice 2.0, LLC Liquor License (79-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: 6900 E. Thomas Road, Suite 2094
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Cats Pajamas Liquor License (80-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 an existing location and owner, new license series with sampling privileges.
Location: 10323 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Liz Modern Asian Restaurant Liquor License (82-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: 15323 N. Scottsdale Road, Suite 145
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Scottsdale Auto Storage Conditional Use Permit (10-UP-2021) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12301** approving a Conditional Use Permit for Vehicle Storage on a ±1.34-acre site with Industrial Park Planned Community District (I-1 PCD) zoning.
Location: 9271 E. Hidden Spur Trail
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Scottsdale Auto Storage Rezoning (7-ZN-2021) – Approved on Consent.**
Request: Adopt **Ordinance No. 4524** approving a zoning district map amendment to amend the development plan's development standards of the existing Industrial Park Planned Community District (I-1 PCD) zoning on a ±1.34-acre site.
Location: 9271 E. Hidden Spur Trail
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov

9. **R T O'Sullivan's Teletrack Wagering Establishment License – Approved on Consent.**
Request: Consider approval of a renewal application for a Teletrack Wagering Establishment License for R T O'Sullivan's.
Location: 7919 E. Thomas Road, Suite 101
Staff Contact(s): Whitney Pitt, Business Services Director, 480-312-5925, wpitt@scottsdaleaz.gov
10. **Sale of Roadway Easement – Approved on Consent.**
Request: Adopt **Resolution No. 12318** authorizing Sale Agreement No. 2021-177-COS with DCR Transmission, LLC (DCR) in the amount of \$4,000 as just compensation for the grant of a Roadway Easement on city-owned property in La Paz County, Arizona.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
11. **Osborn Road Complete Street: Hayden Road to Scottsdale Road Construction Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12276** to authorize:
 1. Construction Bid Award No. 21PB022 with Hunter Contracting Co., the lowest responsive bidder, in the amount of \$5,951,699.14 for construction services of Osborn Road Complete Street – Hayden Road to Scottsdale Road project.
 2. Acceptance of a federal grant awarded by the Federal Highway Association through the Maricopa Association of Governments in the amount of \$1,995,033.
 3. A Fiscal Year (FY) 2021/22 Transportation Fund Capital Contingency budget appropriation transfer in the amount of \$1,434,723 and;
 4. A FY 2021/22 General Fund Capital Contingency budget appropriation transfer in the amount of \$565,277 to the Osborn Road Complete Street: Hayden Road to Scottsdale Road (SF02) capital project to be funded by the FY 2021/22 Transportation Fund Operating Ending Fund Balance.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
12. **Underground Fuel Storage Construction Services Job Order Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12321** authorizing Contract No. 2017-167-COS-A3 with Cochise Contractors, Inc., in an amount not to exceed \$2,000,000, for a one-year contract extension for fuel underground storage tank removal and new fuel system installation.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
13. **On-Call Electrical Engineering Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12322** authorizing the following one-year contract extensions, in an amount not to exceed \$750,000 per contract, for on-call electrical engineering services at various project locations through the City of Scottsdale:
 1. Contract No. 2018-198-COS-A2 with Kimley Horn and Associates, Inc.
 2. Contract No. 2018-199-COS-A2 with LSW Engineers Arizona, Inc.
 3. Contract No. 2018-200-COS-A2 with Energy Systems Design, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
14. **Police Package Vehicle Grant – Approved on Consent.**
Request: Adopt **Resolution No. 12324** to authorize:
 1. The City Manager, or designee, to execute Contract No. 2021-179-COS with Arizona Governor's Office of Highway Safety to receive a grant in the amount of \$59,500 to purchase a police package vehicle to enhance excessive speed, racing, and impaired driving enforcement.
 2. A budget transfer in the amount of \$59,500 from the Fiscal Year 2021/22 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov
15. **Monthly Financial Report – Approved on Consent.**
Request: Accept the Fiscal Year 2021/22 Monthly Financial Report as of September 2021.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

16. [November 2, 2021 Special Election Canvass – Approved on Consent.](#)
Request: Adopt **Resolution No. 12330** as the official canvass of the City of Scottsdale November 2, 2021 Special Election.
Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 17-19**

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

17. [Curaleaf Scottsdale Conditional Use Permit \(8-UP-2021\)](#)
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12278** approving a Conditional Use Permit for a Marijuana Use (dispensary) in a ±9,091 square foot space on a ±1.92-acre site with Industrial Park (I-1) district zoning.
Location: 16277 N. Greenway-Hayden Loop
Presenter(s): Bryan Cluff, Principal Planner
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
– **Principal Planner Bryan Cluff and Applicant Representative Larry Lazarus, with Lazarus & Silvyn, P.C., gave PowerPoint presentations.**

– **Councilwoman Whitehead made a motion to approve Item 17 [Curaleaf Scottsdale Conditional Use Permit (8-UP-2021)], finding that the conditional use permit criteria have been met, and adopt Resolution No. 12278 approving a Conditional Use Permit for a Marijuana Use. Councilmember Milhaven seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.**
18. [Greenbelt 88 Rezoning \(15-ZN-2020\)](#)
Requests:
1. Adopt **Ordinance No. 4522** approving a zoning district map amendment from Planned Neighborhood Center Planned Community District (PNC PCD) to Planned Unit Development (PUD), including a development plan with amended development standards for building setbacks for a mixed-use center including 278 multi-family dwelling units and approximately 25,000 square feet of commercial floor area on a ±7-acre site.
2. Adopt **Resolution No. 12281** declaring the document titled “*Greenbelt 88 Development Plan*” to be a public record.
3. Adopt **Resolution No. 12284** authorizing Conditional Zoning & Reversion Agreement No. 2021-154-COS with Village Property Management, LLC.
Location: 3308 – 3370, 3388 N. Hayden Road
Presenter(s): Bryan Cluff, Principal Planner
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
– **Applicant Representative George Pasquel, with Withey Morris, PLC, gave a presentation requesting a continuance to February 8, 2022.**

– **Councilmember Milhaven made a motion to approve a continuance to the February 8, 2022 City Council meeting. Vice Mayor Caputi seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Milhaven, and Whitehead voting in the affirmative and Councilwoman Littlefield dissenting.**

19. [Public Hearing on the Community Development Block Grant \(CDBG\) Fiscal Year 2019/20 Annual Action Plan Amendment No. 3](#)

Requests:

1. Solicit public testimony regarding the CDBG FY 2019/20 Annual Action Plan Amendment No. 3 for the use of CDBG-CV1 Program Administration funds for a Housing Stock Inventory & Analysis.
2. Adopt **Resolution No. 12329** to approve the CDBG FY 2019/20 Annual Action Plan and authorize the:
 - a. City Manager, or designee, to submit the Amendment to the U.S. Department of Housing and Urban Development (HUD), execute appropriate certifications, and execute a contract with HUD for funding.
 - b. Use of up to \$100,000 of CDBG-CV1 program administration funds for a Housing Stock Inventory and Analysis.
 - c. City Manager, or designee, to execute other documents and take such other actions as are necessary to carry out the intent of this resolution.

Presenter(s): Mary Witkofski, Housing Supervisor

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

– Mayor Ortega opened the public hearing.

– Housing Supervisor Mary Witkofski gave a PowerPoint presentation.

– Mayor Ortega closed the public hearing.

– Councilwoman Whitehead made a motion to accept the public testimony and adopt Resolution No. 12329 to approve the Community Development Block Grant Fiscal Year 2019/20 Annual Action Plan. Vice Mayor Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

Public Comment – None

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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."**

CITIZEN PETITIONS

ITEM 20

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.

20. **Receipt of Citizen Petitions – None**

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 AND COUNCIL **ITEM 21**

21. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for December 7, 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 (two vacancies) – **No applications received.**
- Environmental Advisory Commission (one vacancy) – **Vice Mayor Caputi nominated Ryan Johnson; Mayor Ortega nominated Jordan Miller; and Councilwoman Littlefield nominated Alisa McMahon.**
- Historic Preservation Commission (three vacancies) – **Councilwoman Whitehead nominated Jon Griffin and Peter Hosmer.**
- Neighborhood Advisory Commission (one vacancy) – **Councilmember Milhaven nominated Sady Flynn and Councilwoman Littlefield nominated Larry Hewitt.**
- Personnel Board (one vacancy) – **Mayor Ortega nominated Erica Padish Hoebing and Councilwoman Littlefield nominated Roger Geddes.**

Note: The only Council action to be taken on Item No. 21 is to select nominees for appointment consideration at a future Council meeting.

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

- The City Council recessed at 6:11 P.M.

CITY COUNCIL WORK STUDY SESSION

- The City Council reconvened at 6:23 P.M.

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. [Community Involvement Practices and Standards](#)

Request: Presentation, discussion, and possible direction to staff regarding the city's current community involvement practices and standards, what is working effectively, and whether there are new approaches, tools, and techniques the city should consider to strengthen public participation efforts and outcomes in the future.

Presenter(s): Joy Racine, Community Involvement Manager

Staff Contact(s): Kelly Corsette, Communications & Public Affairs Director, 480-312-2336, kcorsette@scottsdaleaz.gov

– Communications and Public Affairs Director Kelly Corsette gave a PowerPoint presentation.

– The City Council made the following observations and suggestions:

- **Public outreach efforts, including numerous open houses with staff participation, during the Bond 2019 election were successful.**
- **Strike a balance between too many avenues and too few avenues for communication.**
- **Reduce the number of e-newsletters delivered to email accounts.**
- **Evaluate development applications to determine possible issues of contention.**
- **Gauge public interest using online surveys, including greater use of Polco surveys.**
- **Expand online maps to include updates on development projects that were approved and are in the construction phase to provide residents with more information.**
- **Develop a mobile app for users to connect with the City to report issues, such as water leaks, and get updated information.**
- **Reduce the number of paper postcards and flyers sent out for public outreach and replace with environmentally friendly notifications, such as social media.**
- **Provide lower tech and cost-efficient options for public outreach information, including increased advertisement on Channel 11; phone banks; and placement of kiosks at city libraries, senior centers, the Plaza, and other facilities.**
- **Provide bulletin boards and information stands with notices of public meetings and development projects in Downtown ambassador carts, city locations, and trolley stops.**
- **Include notices utilizing “eye-catching” graphics in public utility bills.**
- **Determine methods for better advertisement and outreach for zoning projects.**
- **Enhance involvement of community groups and block watch captains to provide information on a more personal level, for example door-to-door notifications.**
- **Use software to conduct virtual meetings where residents can provide input.**

- **Create frequently asked question documents to deter and respond to misinformation.**
- **Use of electronic dashboards is a very effective way to provide information.**
- **Need to collaborate with adjoining cities on issues facing cities and towns and with local community college and school districts on job training and internship opportunities.**
- **Manage disruption and elevate conversations by providing steady, reliable, and factual information.**

2. **Old Town Pilot**

Request: Presentation, discussion, and possible direction to staff regarding the Organization Strategic Plan objective that states: *“To encourage additional foot traffic and business activities, consider a pilot to temporarily turn some Old Town streets into more walkable areas in conjunction with focused activities and events.”*

Presenter(s): Karen Churchard, Tourism & Events Director

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

– At the beginning of the Regular Council Meeting agenda, Councilwoman Whitehead made a motion to table Work Study Item 2 [Old Town Pilot]. Councilwoman Janik seconded the motion, which carried 6/1, with Mayor Ortega and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative and Vice Mayor Caputi dissenting.

Adjournment – 7:21 P.M.

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