

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED ITEM No. 19; ADDED ITEM Nos. A1 AND 21A]

COUNCIL

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

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Tuesday, March 1, 2022

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 (March 29, 2022).

In-person or telephonic comment is being accepted on 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, 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

Tuesday, March 1, 2022

Page 2 of 8

Call to Order – 5:00 P.M.

Roll Call – All present

One or more members of the Council may be attending the Council Meeting by telephone, video, or Internet conferencing, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Councilmember Milhaven

Mayor’s Report – Mayor Ortega noted that the plexiglass shields were removed and that the Kiva Forum was open at full capacity for seating.

– Mayor Ortega commented on the tragic events unfolding in Ukraine and requested a moment of silence for the Ukrainian people. He said he was moved by their bravery and selflessness as they fight for their families and country. Mayor Ortega expressed hope for peace, safety, and prosperity for Ukraine and all its citizens.

Presentations/Information Updates – Neighborhood Advisory Commission members Louise Lamb and Larry Hewitt gave the PowerPoint presentation of the 2021 Spirit of Scottsdale Awards. The 2021 Individual Award Winner was Sherrie Poinsett. The 2021 Organization Award Winner was given to Scottsdale Community Partners.

- **2021 Spirit of Scottsdale Awards**

Presenter(s): Louise Lamb and Larry Hewitt, Commissioners, Neighborhood Advisory Commission

Public Comment – James Stress commented on neighborhood impacts that would be caused by Desert Foothills Lutheran Church proposed expansion, which would include a grammar school, day care center, and auditorium.

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.”**

ADDED ITEM

Added Item: 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.

– Councilwoman Janik made a motion to accept the agenda as presented. 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.

*****A1. Added Item**

Item No. 21A was added to the agenda on February 24, 2022 and requires 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 March 29, 2022.

MINUTES

Request: Approve the following Council meeting minutes from February 2022:

- a. [Regular Meeting Minutes of February 8, 2022](#)
– Councilwoman Janik made a motion to approve the Regular Meeting Minutes of February 8, 2022. 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.

CONSENT AGENDA ITEMS 1-21A

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.

– Councilmember Durham made a motion to approve Consent Agenda Items 1 through 21A. 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.

CONSENT AGENDA

1. [Zion Bistro Liquor License \(1-LL-2022\)](#) – **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: 15090 N. Northsight Blvd., Suites 107 and 108
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [The Wine Collective of Scottsdale Liquor License \(3-LL-2022\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a new Series 7 (beer and wine bar) State liquor license for an existing location and owner.
Location: 4020 N. Scottsdale Road, Suite 104
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Permanent Extension of Premise for Uncle Sal's Italian Restaurant \(2-EX-2022\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for a Series 12 (restaurant) State liquor license for an existing location to expand an outdoor patio.
Location: 3370 N. Hayden Road, Suite 120
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. [Polestar Showroom at Fashion Square Mall Conditional Use Permit \(15-UP-2021\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12373** approving a Conditional Use Permit for vehicle leasing, rental, or sales in a 3,000 square foot space within Suite 1268 of Scottsdale Fashion Square Mall with Downtown/Downtown Regional Use Type-2 Planned Block Development Downtown Overlay (D/DRU-2 PBD DO) zoning.
Location: 7014 E. Camelback Road, Suite 1268
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov

5. **Cactus Residence Abandonment (4-AB-2021) – Approved on Consent.**
Request: Adopt **Resolution No. 12374** authorizing the abandonment of the 15-foot Roadway and Public Utility Easement (R/W and P.U.E.) along the southern boundary of Parcel No. 217-23-027A with Single-Family Residential District (R1-35) zoning.
Location: 10324 E. Cactus Road
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
6. **Diamond Mountain Estates Final Plat (8-PP-2018) – Approved on Consent.**
Request: Approve the final plat of three lots on a ±45-acre site located on Parcel No. 216-80-007H with Single-Family Residential, Environmentally Sensitive Lands (R1-190/ESL) zoning.
Location: North side of E. Jomax Road, between N. 110th Street and N. 112th Street alignment
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Vertical/Facilities Construction Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12393** authorizing the following one-year contract extensions in an amount not to exceed \$5,000,000 per contract for Citywide vertical/facilities construction projects:
 1. Contract 2018-021-COS-A3 with Balfour Beatty Construction, LLC
 2. Contract 2018-022-COS-A3 with Builders Guild, Inc.
 3. Contract 2018-023-COS-A3 with McCarthy Building Companies, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
8. **Transportation Engineering Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12394** authorizing the following one-year contract extensions, in an amount not to exceed \$750,000 per contract, for on-call transportation engineering services:
 1. Contract No. 2020-048-COS-A1 with Gavan & Barker, Inc.
 2. Contract No. 2020-049-COS-A1 with Olsson, Inc.
 3. Contract No. 2020-050-COS-A1 with Ritoch-Powell and Associates Consulting Engineers, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
9. **Photo Voltaic Systems Interconnection Agreement for North Corporation Campus – Approved on Consent.**
Request: Adopt **Resolution No. 12381** authorizing Distribution Interconnection Agreement No. 2022-030-COS with Arizona Public Service (APS) for the interconnection of the City of Scottsdale's photo voltaic systems at the North Corporation Campus to APS's power distribution system for the Bond 2019 Project 57 – Install Solar Systems North Corporation Campus.
Location: 9191 E. San Salvador Drive
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
10. **SkySong Ground Lease Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 12383** authorizing Agreement No. 2004-119-COS-A9, the ninth amendment to the agreement with ASUF Scottsdale, LLC, amending the ground lease by modifying Section 3.3(a)(iv) of the original lease to extend the August 1, 2025 milestone date to August 1, 2027.
Location: Southeast corner of Scottsdale and McDowell Roads
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
11. **Pima Road: Happy Valley Road to Jomax Road Final Design Engineering Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12402** authorizing Contract No. 2022-027-COS with Kimley-Horn and Associates, Inc., in the amount of \$1,455,036.88, for the development of plans and construction documents for the widening of Pima Road from Happy Valley Road to Jomax Road.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

12. **Maricopa County Securing the Cities Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12375** authorizing Intergovernmental Agreement No. 2022-014-COS with Maricopa County and various other public agencies for participation in the Maricopa County Securing the Cities Program.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
13. **Family Advocacy Center Grant – Approved on Consent.**
Request: Adopt **Resolution No. 12405** to authorize:
 1. The acceptance of a grant from the Office of the Arizona Attorney General in the amount of \$34,913 in support of the Family Advocacy Center.
 2. The Chief of Police, or designee(s), to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant award.
 3. A budget transfer in the amount of \$34,913 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
14. **Traffic Safety Resource Prosecutor Grant – Approved on Consent.**
Request: Adopt **Resolution No. 12407** to authorize:
 1. Contract No. 2022-028-COS with the Governor’s Office of Highway Safety accepting a grant in the amount of \$75,000 for the provision of a traffic safety resource prosecutor.
 2. Deputy City Attorney Luis Santaella to execute Contract No. 2022-028-COS.
 3. A budget transfer in the amount of \$75,000 from the adopted 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):** Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
15. **Library Special Programs Fund Cost Center – Approved on Consent.**
Request: Adopt **Resolution No. 12408** authorizing a Special Programs Fund cost center for the Scottsdale Public Library to support the purchase of library collection materials; identifying and directing the revenues to be recorded in said cost center and committing the revenues to support the purchase of library collection materials; and establishing an effective date of July 1, 2022.
Staff Contact(s): Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov
16. **Human Resources Management Code Amendment Related to Political Activity – Approved on Consent.**
Request: Adopt **Ordinance No. 4537** amending Scottsdale Revised Code, Chapter 14, Human Resources Management, Section 14-133, Article VIII, Employee Rights, Responsibilities and Limitations of the Scottsdale Revised Code relating to Political Activity.
Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov and Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
17. **Titus, et. al. v. City of Scottsdale Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12414** authorizing Agreement No. 2022-033-COS with Plaintiffs William Titus and Angela Titus in the amount of \$125,000 to settle *Titus, et. al. v. City of Scottsdale*, Case No. CV2019-015124, currently pending in Maricopa County Superior Court.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
18. **Notice of Intention to Increase Water and Wastewater Rates – Approved on Consent.**
Request: Adopt notice of intention to increase water and wastewater rates, increase miscellaneous water charges, and make housekeeping adjustments to Chapter 49 of the Scottsdale Revised Code for Fiscal Year 2022/23, and establish May 17, 2022, as the date for a public hearing.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

*****19. Tournament Players Club (TPC) Midway Grill Improvements – Approved on Consent.**

Request: Adopt **Resolution No. 12411-A** to authorize:

1. The use of \$250,000 of funding from the Basin Management Reserve Account.
2. Agreement No. 1985-060-COS-E2 with TPC of Scottsdale, Inc., in the amount of \$1,834,094.
3. Job Order Contract No. 2018-021-COS-A4 with Balfour Beatty Construction, LLC, to increase the single job order limit from \$1.5 million to \$3.5 million for the construction of the TPC Midway Grill Improvements.
4. A Fiscal Year (FY) 2021/22 budget appropriation transfer in the amount up to \$2,084,094 from the additional available budget appropriation in the adopted FY 2021/22 Capital Improvement Plan (CIP) budget to the TPC Stadium Course – Midway Grill Improvements (PG06) project, with \$1,834,094 to be funded by a TPC Golf Organization contribution and \$250,000 funded by the CIP TPC Basin Management Reserve Account.

Location: 17020 N. Hayden Road

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

20. Acting Presiding City Judge Appointment – Approved on Consent.

Request: Adopt **Resolution No. 12419** appointing Judge James G. Blake as Acting Presiding City Judge for the Scottsdale Municipal Court effective March 4, 2022 through March 20, 2022.

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

21. Employee Retention Bonus – Approved on Consent.

Request: Adopt **Resolution No. 12417** to authorize:

1. One-time bonuses to active full and part-time employees effective February 28, 2022.
2. A Fiscal Year (FY) 2021/22 budget and cash transfer in the amount of \$2,200,000 from available Scottsdale AZCares funds in the Community Facility Safety Upgrades capital project (DH14) to the appropriate operating divisions.
3. A FY 2021/22 budget and cash transfer in the amount of \$300,000 from Scottsdale AZCares Special Revenue fund, available funds in the Community Facility Upgrades operating program to the appropriate operating divisions.
4. A FY 2021/22 budget and cash transfer in the amount of \$1,850,000 from available Scottsdale AZCares funds in the City Buildings Safety Retrofit capital project (DH15) to the appropriate operating divisions.
5. A FY 2021/22 budget and cash transfer in the amount of \$1,200,000 from Scottsdale AZCares Special Revenue Fund, available funds in the Public Health Communication and Safety operating program to the appropriate operating divisions.
6. The City Manager or designee, with the advice and consent of the City Attorney and City Treasurer is further authorized to reallocate funds from the categories listed in Resolution No. 11870 for the purpose of awarding one-time employee retention bonuses.

Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov

*****21A. Public and Event Spaces on Civic Center Plaza Construction Phase Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 12422** to authorize:

1. Construction Manager at Risk Contract No. 2021-151-COS-A2 with Willmeng Construction, Inc., in an amount not to exceed \$5,277,185.42, for Phase 3 construction phase services for Bond 2019 Project 1 – Replace Aging Infrastructure and Improve Public and Event Spaces on Civic Center Plaza.
2. A Fiscal Year (FY) 2021/22 budget appropriation transfer in the amount up to \$6,240,447 from the additional available budget appropriation in the Adopted FY 2021/22 Capital Improvement Plan to the Capital Project 1 – Replace Aging Infrastructure and Improve Public Event Space on Civic Center Plaza (DG04) to be funded with FY 2021/22 operating General Fund ending fund balance.

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

REGULAR AGENDA ITEMS 22-23

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

22. [Astria & Associates Rezoning \(9-ZN-1997#2\)](#)

Request:

1. Adopt **Ordinance No. 4532** approving a zoning district map amendment from Downtown Office Commercial Type-1 Downtown Overlay (D/OC-1 DO) to Downtown Multiple Use Type-2 Downtown Overlay (D/DMU-2 DO) zoning to allow for a new mixed-use three-story building on a ±6,311 square foot site.

Location: 7121 E. 1st Avenue

Presenter(s): Greg Bloemberg, Project Coordination Liaison

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

– Project Coordination Liaison Greg Bloemberg gave a PowerPoint presentation. Applicant Representative Greg Loper and Applicant Astria Wong gave presentations.

– Mayor Ortega made a motion to adopt Ordinance No. 4532 approving a zoning district map amendment from Downtown Office Commercial Type-1 Downtown Overlay (D/OC-1 DO) to Downtown Multiple Use Type-2 Downtown Overlay (D/DMU-2 DO) zoning to allow for a new mixed-use three-story building on a ±6,311 square foot site located at 7121 E. 1st Avenue with a covered walkway of 10 feet for shading. 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.

23. [City's Proposed Fiscal Year \(FY\) 2022/23 Rates and Fees](#)

Request: Presentation, discussion, and possible direction to staff regarding the City's proposed FY 2022/23 rates and fees.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director; Dan Worth, Public Works Director; Randy Grant, Planning, Economic Development, and Tourism Executive Director; William B. Murphy, Assistant City Manager; Ryan Freeburg, Assistant Fire Chief, Jeff Walther, Chief of Police

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

– A PowerPoint presentation was given by Enterprise and Finance Director Gina Kirklin; Water Resources Executive Director Brian Biesemeyer; Public Works Director Dan Worth; Chief Development Officer Michael Clack; Assistant Manager City Manager Bill Murphy; Assistant Fire Chief Ryan Freeburg; and Chief of Police Jeff Walther.

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."**

CITIZEN PETITIONS

ITEM 24

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.

24. 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 Items – None

Adjournment – 6:40 P.M.

– Councilwoman Janik made a motion to adjourn. 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.