

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED ITEM 5; ADDED ITEM No. 5A]

COUNCIL

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Betty Janik

Kathleen S. Littlefield

Linda Milhaven

Solange Whitehead

Tuesday, May 3, 2022

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to 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 (May 17, 2022).

In-person spoken public comment is being accepted on Items 1 through 9. To sign up to speak on these items, please click [here](#).

In-Person spoken public comment is also being accepted on non-agendized items that are within the Council's jurisdiction. Scottsdale citizens may 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 on a non-agendized item that is within the Council's jurisdiction, please click [here](#).

Registration for In-Person public comment is available online by completing a Request to Speak form. In-Person Public Comment 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.

Written public comment may be submitted in-person by completing a yellow written public comment card or electronically by completing a Written Public Comment form. Written public comment received during the meeting will be shared with the Council. 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. 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

Call to Order – 5:01 P.M.

Roll Call – All present (Councilwoman Janik participated electronically).

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).



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

Pledge of Allegiance – Councilwoman Littlefield

Mayor's Report – Mayor Ortega asked to continue to keep the Ukrainian people and country in the forefront of our thoughts and for a moment of silence as we hope for their freedom and their fight for their nation. Mayor Ortega noted the McCormick-Stillman Park concert series is back with concerts scheduled every Sunday in May from 7:30 p.m. to 9:00 p.m. Mayor Ortega announced it was Teacher Appreciation Week and invited students and teachers from Navajo Elementary School to introduce themselves.

Presentations/Information Updates – Parada del Sol Committee Representative Dr. Joe Deka gave the PowerPoint presentation on the Parada del Sol Awards.

- **Parada del Sol Award Presentation**
Presenter(s): Parada del Sol Committee Members

Public Comment – Thomas La Porte summarized DC Ranch Homeowner's Association Board activities related to the removal of Sissoo trees in their neighborhood.

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 1-5

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 Whitehead made a motion to approve Consent Agenda Items 1 through 4, noting Item 5 was removed from the agenda at the request of staff. 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.

1. [Appointments and Reappointments of Pro Tem Judges for City Court](#) – Approved on Consent.

Request: Adopt **Resolution No. 12448** to authorize:

1. The following appointments of Pro Tem Judges to initial two-year terms for the period of May 18, 2022, through May 17, 2024: Nathan Benedict, Chanel Rizk, George W. Biederman V, and Catherine Gaudreau.
2. The following reappointments of Pro Tem Judges for four-year terms for the period of May 18, 2022 through May 17, 2026: Charles Adornetto, Jennifer Dalton, Douglas Erickson, Robert Howard, Alicia Lawler, Robert Melton, and Lori Patrick.

Staff Contact(s): Marianne T. Bayardi, Presiding Judge, 480-312-2762, c/o smounsey@scottsdaleaz.gov

2. **Drainage Project Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12469** to authorize:

1. Agreement No. 2022-059-COS with MMCSE, LLC, doing business as McDowell Mountain Community Storage, JAT Dove Capital, LLC, and Winstar Pro, LLC, for participation in a drainage improvement project.
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 and Contract.

Location: Southwest of McDowell Mountain Ranch Road and North of Thompson Peak Parkway

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

3. **Family Self Sufficiency Grant – Approved on Consent.**

Request: Adopt **Resolution No. 12454** to authorize:

1. Acceptance of a Family Self Sufficiency Grant in the amount of \$80,136 from the U.S. Department of Housing and Urban Development effective January 1, 2022.
2. A budget transfer in the amount of \$80,136 from the adopted Fiscal Year 2021/22 Future Grants Budget and/or Grant Contingency Budget to a newly created center to record the grant activity.
3. The City Manager, or designee, to execute a grant agreement and any other documents, and to take such other actions as necessary to carry out the intent of this Resolution.

Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104,

gbestgen@scottsdaleaz.gov

4. **Veterans Affairs Supportive Housing Grant – Approved on Consent.**

Request: Adopt **Resolution No. 12455** to authorize:

1. Acceptance of a Veterans Affairs Supportive Housing grant in the amount of \$150,244 from the U.S. Department of Housing and Urban Development effective May 1, 2022.
2. A budget transfer in the amount of \$150,244 from the adopted Fiscal Year 2021/22 Future Grants Budget and/or Grant Contingency Budget to a newly created center to record the grant activity.
3. The City Manager, or designee, to execute a grant agreement and any other documents, and to take such other actions as necessary to carry out the intent of this Resolution.

Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104,

gbestgen@scottsdaleaz.gov

***5. **Fiscal Year (FY) 2021/22 Human Services Program Funding**

(Removed at the request of staff.)

REGULAR AGENDA

ITEMS 5A-9

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

***5A. **Artisan Scottsdale Rezoning (3-ZN-2021 and 3-DA-2021)**

Requests:

1. Adopt **Ordinance No. 4535** 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) and Downtown/Downtown Core Type-1, Planned Block Development, Downtown Overlay (D/DC-1 PBD DO) including a development plan for 83 dwelling units and approximately 5,000 square feet of commercial floor area on a ±1.92-acre site.
2. Adopt **Resolution No. 12396** declaring the document titled “*The Artisan Scottsdale Development Plan*” to be a public record.
3. Adopt **Resolution No. 12397** authorizing Development and Sale Agreement No. 2022-023-COS.

Location: 7017 – 7041 E. Indian School Road and generally the northwest corner of E. 1st Avenue and N. Marshall Way

Presenter(s): Bryan Cluff, Principal Planner

Staff Contact(s): Erin Perreault, Acting Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

– Principal Planner Bryan Cluff gave a PowerPoint presentation.

– Applicant Representative John Berry, with Berry Riddell, LLC, gave a presentation.

– Councilwoman Littlefield made a motion to amend Section 6.10 of the Development and Sale Agreement No. 2022-023-COS to read “*The City Manager or designee shall have the authority to make adjustments to the CMP [Construction Mitigation Plan], as may be reasonably necessary to accommodate any health or safety concerns that may arise during construction.*” Councilwoman Janik seconded the motion, which failed 3/4, with Councilmembers Janik, Littlefield, and Whitehead voting in the affirmative, and Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, and Milhaven dissenting.

– Councilmember Milhaven made a motion to adopt Ordinance No. 4535, Resolution No. 12396, and Resolution No. 12397. Vice Mayor Caputi seconded the motion, which carried 5/2, with Vice Mayor Caputi and Councilmembers Durham, Janik, Milhaven, and Whitehead voting in the affirmative and Mayor Ortega and Councilwoman Littlefield dissenting.

6. Compensated Conservation Agreement

Request: Adopt **Resolution No. 12457** to authorize:

1. Compensated Conservation Agreement No. 2022-052-COS with the United States of America, the State of Arizona acting through the Director of the Arizona Department of Water Resources, and the Central Arizona Water Conservation District for the conservation of Central Arizona Project water in Lake Mead in calendar year 2022, in exchange for compensation.
2. The Water Resources Executive Director to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.

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.

– Mayor Ortega made a motion to adopt Resolution No. 12457 to authorize Compensated Conservation Agreement No. 2022-052-COS with the United States of America, the State of Arizona acting through the Director of the Arizona Department of Water Resources, and the Central Arizona Water Conservation District for the conservation of Central Arizona Project water in Lake Mead in calendar year 2022, in exchange for compensation. 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.

7. Real Estate Sale Agreement to Dispose of Surplus Property

Request: Adopt or reject **Resolution No. 12460** authorizing:

1. Purchase and Sale Agreement No. 2022-055-COS with MG Real Estate Holdings Company, LLC, for the sale of city-owned property in the amount of \$42,700,000.
2. The Mayor to execute the Special Warranty Deed with Covenants and Reservations to MG Real Estate Holdings Company, LLC, in the form attached as Exhibit D to Contract No. 2022-055-COS for delivery to the title company for the escrow as set forth in Contract No. 2022-055-COS.
3. The City Manager, or designee, to take any such further actions as necessary to carry out the intent of this Resolution.

Location: 9402 E. Bell Road

Presenter(s): Dan Worth, Public Works Director

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

– Public Works Director Dan Worth gave the PowerPoint presentation.

– Councilmember Milhaven made a motion to reject Resolution No. 12460. The motion died for lack of a second.

– Mayor Ortega made a motion to adopt Resolution No. 12460 authorizing Purchase and Sale Agreement No. 2022-055-COS with MG Real Estate Holdings Company, LLC, for the sale of city-owned property in the amount of \$42,700,000. Councilwoman Littlefield seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, and Whitehead voting in the affirmative, and Councilmember Milhaven dissenting.

8. Quarterly Financial and Capital Improvement Plan (CIP) Update

Request: Receive, discuss, and provide possible direction on the City Treasurer’s quarterly financial presentation and/or CIP presentation as of March 2022.

Presenter(s): Sonia Andrews, City Treasurer and Alison Tymkiw, City Engineer

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

– City Treasurer Sonia Andrews and City Engineer Alison Tymkiw gave the PowerPoint presentation.

– Mayor Ortega suggested that 2019 Bond Project 42 (Add a Dog Park at Thompson Peak Park) should move forward in construction without a delay after it is designed.

– Mayor Ortega suggested advancing plans to address the ongoing Colorado River drought and shortage.

9. Public Hearing on the Community Development Block Grant (CDBG) Program Fiscal Year (FY) 2022/23 Annual Action Plan, the Allocation of CDBG funds, and the Fourth Substantial Amendment to the FY 2019/20 Annual Action Plan

Requests:

1. Solicit public testimony regarding the FY 2022/23 Annual Action Plan for the use of CDBG funds in the amount of \$1,198,070 and the Fourth Substantial Amendment to the FY 2019/20 Annual Action Plan.
2. Adopt **Resolution No. 12451** to approve the FY 2022/23 Annual Action Plan and Fourth Substantial Amendment to the FY 2019/20 Annual Action Plan and authorize the:
 - a. City Manager, or designee, to submit the Annual Action Plan and the Fourth Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD).
 - b. Use, award, and allocation of federal CDBG funds for eligible programs and services and associated contracts.
 - c. Reprogramming of prior years’ remaining funds and program income in the amount of \$15,968.
 - d. Execution of associated HUD certifications and contracts.
 - e. Mayor to execute amendments to associated CDBG contracts.
 - f. Community Assistance Manager to adjust recommended funding awards as necessary based upon final funding allocations.
 - g. Mayor, City Manager, and Community Assistance Manager to take certain actions furthering this Resolution.

Presenter(s): Mary Witkofski, Housing Supervisor

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

– Housing Supervisor Mary Witkofski gave the PowerPoint presentation.

– Mayor Ortega opened the public hearing and noting there were no comments, closed the public hearing.

– Mayor Ortega made a motion to adopt Resolution No. 12451 to approve the Fiscal Year (FY) 2022/23 Annual Action Plan and the Fourth Substantial Amendment to FY 2019/2020 Annual Action Plan and authorize the:

- 1) Use, award, and allocation of Community Development Block Grant funds for eligible programs and services and associated contracts;
- 2) Reprogramming of prior years' remaining funds and the return of program income; and,
- 3) Mayor, City Manager, and Community Assistance Manager to take certain actions furthering this Resolution.

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.

Public Comment – None

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CITIZEN PETITIONS

ITEM 10

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.

10. 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 11

11. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for May 17, 2022)

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.

- Board of Adjustment (one vacancy) – **Mayor Ortega nominated Gary Donahoe.**
- Human Services Commission (three vacancies) – **Councilwoman Littlefield nominated Patrick Dodds, Mary Jung, and Stuart Turgel.**
- Library Board (one vacancy) – **Councilwoman Janik nominated Marna McLendon.**
- McDowell Sonoran Preserve Commission (one vacancy) – **Councilmember Durham nominated Robert Hallagan, Vice Mayor Caputi nominated Scott Bartle, Councilwoman Whitehead nominated Savannah Engelking, and Councilmember Milhaven nominated Mike Savastio.**

- Parks and Recreation Commission (one vacancy) – **Vice Mayor Caputi nominated Maryann McAllen.**
- Planning Commission (two vacancies) – **Councilwoman Whitehead nominated Robert Fishman and Anthony Leavy; Councilmember Milhaven nominated Jeff Brand and Renee Higgs; Mayor Ortega nominated Diana Kaminski and Ed Peaser; Councilwoman Littlefield nominated Laurie Coe and Michal Ann Joyner; and Vice Mayor Caputi nominated Jason Heetland.**
- Tourism Development Commission (one Scottsdale hotelier vacancy; one industry representative vacancy) – **Councilmember Milhaven nominated Steve Jung for the Scottsdale hotelier vacancy and Vice Mayor Caputi nominated Jeanne Alspaugh for the industry representative vacancy.**
- Transportation Commission (one vacancy) – **No applications were submitted.**

Note: The only Council action to be taken on Item No. 11 is to select nominees for appointment consideration at a future Council meeting.

Adjournment – 8:22 P.M.

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