

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM NOS. A1 AND 14A; REWORDED ITEM NO. 16]

COUNCIL

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

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Tuesday, August 23, 2022

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream"). 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 13, 2022).

In-person spoken public comment is being accepted on Items 1 through 16. 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](#).

Requests for in-person public comment may be submitted online or at the City Council meeting. 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 online no later than 90 minutes before the start of the meeting. Additionally, in-person meeting attendees may submit a Request to Speak form utilizing the kiosk located in the foyer area of City Hall for each agenda item they wish to address. Forms must be submitted and received before the Mayor announces the agenda item.

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



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

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Call to Order – 5:00 P.M.

Roll Call – All present (Vice Mayor Durham 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).

Pledge of Allegiance – Councilmember Milhaven

Mayor's Report – Mayor Ortega thanked the Scottsdale Police, Fire, Parks and Recreation, and Facilities staff who responded to calls during the recent monsoon activity. Mayor Ortega stressed the importance of monitoring the situation with the Colorado Water Basin and the delivery of water to the Valley. Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they fight for their freedom, independence, and democracy.

Public Comment – David Boninger presented a citizen petition requesting the City revise the building application process to include Homeowner Association Covenants, Conditions and Restrictions (CC&Rs) as part of the notification procedures.

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

*****A1. Added Item**

Item No. 14A was added to the agenda on August 18, 2022 and requires a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or continue Item No. 14A to the next scheduled Council meeting, which is September 13, 2022.

CONSENT AGENDA ITEMS 1-14A

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 14A. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. **[North Corporation Campus Design Build Manager Construction Phase Contract – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12565** authorizing Design Build Manager Construction Phase Contract No. 2022-073-COS-A1 with Chasse Building Team, Inc., in an amount not to exceed \$5,599,821, to provide phase two design build manager construction services for the North Corporation Campus Parking Garage (BH07) and 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
2. **[Pool Construction Job Order Contract – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12566** authorizing Contract No. 2018-136-COS-A3 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
3. **[Electrical Instruments and Controls Systems Design Engineering Services Contracts – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12567** 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-A3 with Arcadis U.S., Inc.
 2. Contract No. 2018-129-COS-A3 with Brown and Caldwell, Inc.
 3. Contract No. 2018-130-COS-A3 with Black & Veatch Corporation**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
4. **[Solid Waste Services Mutual Aid Program Intergovernmental Agreement \(IGA\) Amendment – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12547** authorizing Agreement No. 2017-036-COS-A1, the first amendment to the IGA with multiple cities and towns for waste collection, transportation, and emergency mutual aid, to add the Salt River Pima Maricopa Indian Community as a party.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
5. **[Independent Medical Examination Services Contract – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12568** authorizing Professional Services Contract No. 2022-134-COS with Integrated Medical Evaluations, Inc., for independent medical examinations on an as-needed basis for the City.
Staff Contact(s): Bill Hylen, Interim Human Resources Director, 480-312-2615, whylen@scottsdaleaz.gov
6. **[Service Line Warranty Protection Program – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12552** to authorize:
 1. Contract No. 2022-101-COS with Utility Service Partners Private Label, Inc., doing business as Service Line Warranties of America, a subsidiary of HomeServe USA Corp., authorizing HomeServe USA Corp. to market and offer its service line warranty protection program to City of Scottsdale water and sewer utility customers, in exchange for an upfront payment of \$200,000 and ten percent of collected premiums for the sale of policies within the City.
 2. The creation of a new Enterprise Fund for the Scottsdale Water Resources Division, effective July 1, 2022, and directing that any monetary payments received by the City from the HomeServe USA agreement be deposited in such fund and committed to assist City resident low-income utility billing customers.
 3. A budget transfer in the amount of \$200,000 from the Water Fund to the new Enterprise Fund for Fiscal Year 2022/23.
 4. The inclusion of sewer line extension payback assistance in the utility assistance program.
 5. The City Manager and City Treasurer, or designees, are further authorized to take such actions and execute such documents as necessary to carry out the intent of this Resolution.**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

7. **[Amendment to Compensated System Conservation Agreement](#) – Approved on Consent.**
Request: Adopt **Resolution No. 12578** to authorize:
 1. An amendment to Resolution No. 12551 to revise the conditions under which the City will enter into a Compensated System Conservation Agreement and Purchase and Sale Agreement for long-term storage credits.
 2. The Water Resources Executive Director, City Attorney, City Treasurer, and their respective staffs to execute such documents and take such other actions as necessary to carry out the intent of this Resolution.**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

8. **[Library Assistance Program](#) – Approved on Consent.**
Request: Adopt **Resolution No. 12564** authorizing the Community Services Administrator/Library Director, or designee, to accept new library materials valued at up to \$469,962 from the Maricopa County Library District's Library Assistance Program for Fiscal Year 2022/23, as stipulated in Intergovernmental Agreement No. 2018-051-COS.
Staff Contact(s): Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

9. **[Scottsdale Memorial for the Fallen Donation Agreement](#) – Approved on Consent.**
Request: Adopt **Resolution No. 12587** to authorize:
 1. The construction of a monument to be known as the Scottsdale Memorial for the Fallen recognizing the residents of the City of Scottsdale who have lost their lives in service of our country in any branch of the United States of America's armed forces to be located within the Scottsdale Civic Center Mall.
 2. With the advice and approval of the City Attorney, the City Manager, or designee, to enter a donation and maintenance agreement.
 3. Any agreement executed pursuant to this authorization be filed with the City Clerk's Office within five days.
Location: 3939 N. Drinkwater Boulevard**Staff Contact(s):** William B. Murphy, Assistant City Manager, 480-312-7954, wmur@scottsdaleaz.gov

10. **[City Auditor's Fiscal Year \(FY\) 2022/23 Audit Plan](#) – Approved on Consent.**
Request: Approve the City Auditor's FY 2022/23 Audit Plan, as recommended by the Council's Audit Committee at its June 27, 2022 meeting.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

11. **[Audit Services Intergovernmental Agreement \(IGA\)](#) – Approved on Consent.**
Request: Adopt **Resolution No. 12574** to authorize:
 1. Agreement No. 2021-023-COS-A1, the first amendment to the IGA with the Scottsdale Unified School District No. 48 for financial and performance audit and investigation services for future audits.
 2. The City Auditor, or designee, to execute any related documents and take such other actions as necessary in connection with the IGA.**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

12. **[Licenses, Taxation, and Miscellaneous Business Regulation Code Amendment](#) – Approved on Consent.**
Request: Adopt **Ordinance No. 4555** amending Scottsdale Revised Code, Chapter 16, Licenses, Taxation, and Miscellaneous Business Regulation, Section 16-446 to remove the prohibition on charging a fee for issuance of a film permit.
Staff Contact(s): Kelly Corsette, Communications and Public Affairs Director, 480-312-2336, kcorsette@scottsdaleaz.gov

13. **Fiscal Year (FY) 2022/23 Capital Improvement Plan (CIP) Budget Adjustments and Cash Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 12569** to authorize:
1. Budget adjustments related to the CIP for the purpose of accurately expensing the FY 2022/23 budget.
2. A cash transfer in the amount of \$885,064 from the FY 2022/23 Operating Budget Special Programs Fund, available in the Downtown Cultural Trust program to the FY 2022/23 CIP budget for the Stagebrush Renovations (DJ02) CIP project.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov and Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
14. **Monthly Financial Report – Approved on Consent.**
Request: Accept the Fiscal Year 2021/22 Monthly Financial Report as of May 2022.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
- ***14A. **Paiute Neighborhood Center Amended and Restated License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12509** to authorize:
1. Amended and Restated Revocable License Agreement No. 2022-085-COS with Southwest Autism Research & Resource Center to use space at the Paiute Neighborhood Center to operate a community school.
2. The City Manager, or designee, to execute any other documents and take other actions as necessary to carry out the intent of this Resolution.
Location: 6535 E. Osborn Road
Staff Contact(s): William B. Murphy, Assistant City Manager, 480-312-7954, wmur@scottsdaleaz.gov

REGULAR AGENDA ITEMS 15-16

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

15. **Updated Integrated Water Resources Master Plan**
Request: Adopt **Resolution No. 12582** authorizing the acceptance of the updated 2022 Integrated Water Resources Master Plan prepared by Carollo Engineers, Inc.
Presenter: 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 a PowerPoint presentation.
– Mayor Ortega made a motion to adopt Resolution No. 12582 authorizing the acceptance of the updated 2022 Integrated Water Resources Master Plan. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.
- ***16. **Financial and Capital Improvement Plan (CIP) Update – Preliminary Fiscal Year (FY) 2022**
Request: Receive, discuss, and provide possible direction on the City Treasurer's financial presentation on preliminary FY 2022 results and/or CIP presentation as of June 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 a PowerPoint presentation.

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 17

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.

17. **Receipt of Citizen Petitions – Councilwoman Whitehead 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, related to the citizen petition requesting the City revise the building application process to include Homeowner Association Covenants, Conditions and Restrictions (CC&Rs) as part of the notification procedures. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.**
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

Adjourn the regular portion of the Meeting and Convene the City Council Work Study Session – The Council recessed at 6:24 P.M.

CITY COUNCIL WORK STUDY SESSION

– The Council reconvened at 6:35 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.**

– **Linnea Brudenell, with Nelsen Partners, spoke in support of the International Green Construction Code.**

– **Rebecca Grossman, with the Scottsdale Area Association of Realtors, spoke in support of proposed energy conservation building code changes for single family residential homes to require electric vehicle charging station infrastructure.**

– **Peter Palmer, with the Waterfront Condo Association, noted the lack of, and challenges associated with, electric vehicle charging stations at the Waterfront Towers. He encouraged the adoption of mandatory electric vehicle charging infrastructure for multi-family housing.**

– **Michael Kravit, a member of the Building Advisory Board of Appeals, explained the reasoning for the Building Advisory Board of Appeals recommendations related to building and fire code updates and requested the Council adopt the codes as written.**

– **Jim Meyers, with the Southwest Energy Efficiency Project, spoke in support of the Internal Energy Conservation Code (IECC) and suggested electric vehicle charging infrastructure be included as part of the IECC adoption for the City of Scottsdale.**

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. **[Building and Fire Code Updates](#)**

Request: Presentation, discussion, and possible direction to staff regarding the adoption of new building, fire, residential, plumbing, mechanical, electrical, fuel gas, energy, and green codes.

Presenter(s): Michael Clack, Chief Development Officer

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

– **Chief Development Officer Michael Clack gave a PowerPoint presentation.**

– **Scottsdale Environmental Advisory Commission Chair Natalie Chrisman Lazarr and Building Advisory Board of Appeals Vice Chair Julian Anderson gave presentations.**

– **The Council reached consensus and provided direction for staff to consider:**

- **Option B, which involves:**

- **Advancing building code amendments, except for the International Energy Conservation Code (IECC) and International Green Construction Code (IGCC) amendments, for Council consideration as part of the September 20, 2022 City Council Meeting agenda.**
 - **The proposed electrification requirement related to gas appliances in new single-family residences will be removed from the building code amendments brought forth for Council consideration.**
 - **The proposed requirement for pull-out recycling bins in single-family residence kitchens will be removed from the building code amendments brought forth for Council consideration.**
- **Conducting additional public outreach on proposed IECC and IGCC amendments.**
- **Advancing mandatory IECC and IGCC amendments for Council consideration before the end of the 2022 calendar year.**

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- **It is at staff's discretion to schedule a joint Scottsdale Environmental Advisory Commission and Building Advisory Board of Appeals meeting to allow interested parties to provide input to both bodies.**

Adjournment – 8:26 P.M.

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