

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED ITEM No. 20]

COUNCIL

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Betty Janik

Kathleen S. Littlefield

Linda Milhaven

Solange Whitehead

Wednesday, December 7, 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 (January 10, 2023).

In-person spoken public comment is being accepted on Items 1 through 21. 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, business owners, and/or property owners 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

Call to Order – 5:00 P.M.

Roll Call – All present (City Manager Jim Thompson 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 – Vice Mayor Durham

Mayor’s Report – Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they fight for their freedom and democracy.

– Mayor Ortega provided a remembrance of the late City Court Presiding Judge, Honorable Joseph Olcavage. He shared that a funeral mass will be held at 11:00 a.m. on December 15th at St. Patrick’s Catholic Community followed by a processional and graveside services at Paradise Memorial Gardens. He requested a moment of silence for Judge Olcavage.

– Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, and Whitehead thanked outgoing Councilmember Milhaven for her mentorship and leadership. Councilmember Milhaven was presented with a Kachina and street name sign to commemorate her service. Councilmember Milhaven thanked her supporters, residents, city staff and charter officers.

Possible Executive Session

Notice is hereby given that, at any time during tonight’s meeting, the Council may make a motion to recess into Executive Session to discuss and consult with the attorneys and representatives of the public body to obtain legal advice on any applicable item on tonight’s agenda. If authorized by a majority vote of the Council, the Executive Session will be held immediately after the vote and will not be open to the public. A.R.S. §38-431.03(A)(3). The public meeting will resume following the Executive Session.

Public Comment – Jason Alexander and Don Henninger thanked Councilmember Milhaven for her service.

Public Comment time is reserved for Scottsdale citizens, business owners, and/or property owners to comment on non-agendized items that are within the Council’s jurisdiction. No official Council action can be taken on these items. Advocacy for or against a candidate or ballot measure during a Council meeting is not allowed pursuant to State law and is therefore not deemed to be within the Council’s jurisdiction.

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 1-18

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 18. 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.

1. **Verizon Los Gatos Wireless License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12684** authorizing Wireless Communications Antenna Site Revocable License Agreement No. 2022-201-COS with Cellco Partnership, doing business as Verizon Wireless, permitting the continued operation of a wireless site at the Water Resources Pump Station 126.
Location: 22260 N. Pima Road
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, daworth@scottsdaleaz.gov
2. **Modification to Water Resources Treatment Job Order Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12681** authorizing Contract No. 2020-056-COS-A2 with Garney Companies, Inc., increasing the individual job order limit to \$4 million, for citywide water resources treatment construction services.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
3. **Preserve Construction, Renovation and Rehabilitation Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12688** authorizing the following two-year job order contracts, in an amount not to exceed \$4 million per contract, for construction, renovation and rehabilitation projects in and around the McDowell Sonoran Preserve as needed:
 1. Contract No. 2022-203-COS with Cuddy Mountain Trail Company
 2. Contract No. 2022-204-COS with Okanogan Trail Construction, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
4. **Preserve Sign Product Fabrication, Installation, Repair and Maintenance Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12689** authorizing the following two-year job order contracts, in an amount not to exceed \$4 million per contract, for sign product fabrication, installation, repair and maintenance in and around the McDowell Sonoran Preserve as needed:
 1. Contract No. 2022-205-COS with Cuddy Mountain Trail Company
 2. Contract No. 2022-206-COS with E2 Innovations, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
5. **Preserve Metal Fixture Fabrication, Installation, Repair and Maintenance Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12690** authorizing the following two-year job order contracts, in an amount not to exceed \$4 million per contract, for metal fixture fabrication, installation, repair and maintenance in and around the McDowell Sonoran Preserve as needed:
 1. Contract No. 2022-207-COS with Caliente Ironworks, Inc.
 2. Contract No. 2022-208-COS with E2 Innovations, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
6. **Preserve Vegetation Management Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12691** authorizing the following two-year job order contracts, in an amount not to exceed \$4 million per contract, for vegetation management in and around the McDowell Sonoran Preserve as needed:
 1. Contract No. 2022-209-COS with EnviroSystems Management, Inc.
 2. Contract No. 2022-210-COS with Siphon Draw Fire and Fuels, LLC**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
7. **Animal Control Services Intergovernmental Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 12678** authorizing Agreement No. 2022-056-COS-A1, the first amendment to the agreement with Maricopa County for the provision of additional animal control patrols at the McDowell Sonoran Preserve at an annual cost of \$4,800 for the next five years.
Staff Contact(s): Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

8. **Wildlife Study Agreement Amendment – Approved on Consent.**

Request: Adopt **Resolution No. 12680** to authorize:

1. Agreement No. 2014-010-COS-A2, the second amendment to the agreement with the Arizona Game and Fish Department to perform aerial and/or ground wildlife surveys within the McDowell Sonoran Preserve.
2. The Mayor, or his designee, to execute Agreement No. 2014-010-COS-A2 and any other documents as necessary to carry out the intent of this Agreement.

Staff Contact(s): Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

9. **2022 Scottsdale Title VI Plan Update – Approved on Consent.**

Request: Adopt **Resolution No. 12695** authorizing the 2022 Scottsdale Title VI Plan Update for Transit Services.

Staff Contact(s): Mark Melnychenko, Transportation and Streets Director, 480-312-7651, mmelnychenko@scottsdaleaz.gov

10. **Water Banking Authority Municipal and Industrial FIRMING Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12674** to authorize:

1. Agreement No. 2022-198-COS with the Arizona Water Banking Authority for municipal and industrial firming.
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.

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

11. **Cavasson Landscape Maintenance Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12661** authorizing Agreement No. 2022-189-COS with 18700 Hayden Road, LLC; NRI Cavasson, LLC; and 18615 Claret Drive, LLC; collectively known as “NRI”, for the installation and maintenance of landscaping improvements.

Location: Along the frontage road on the North side of the Loop 101 freeway, between N. Hayden Road and N. Miller Road

Staff Contact(s): Nick Molinari, Parks and Recreation Director, 480-312-1011, nmolinar@scottsdaleaz.gov

12. **Fire Service Automatic Aid System Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12686** authorizing Agreement No. 2022-202-COS, the Regional Metropolitan Phoenix Fire Service Automatic Aid with other municipalities, fire districts, and other governmental jurisdictions for the Fire Service Response Automatic Aid System.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

13. **DNA Capacity Enhancement and Backlog Reduction Program Formula Grant – Approved on Consent.**

Request: Adopt **Resolution No. 12694** to authorize:

1. Acceptance of a DNA Capacity Enhancement and Backlog Reduction Program formula grant from the United States Department of Justice in the amount of \$250,000.
2. The Chief of Police, or designee, 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.
3. A budget transfer in the amount of \$250,000 from the adopted Fiscal Year 2022/23 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.
4. The addition of one (1) full-time, temporary Forensic Scientist I position in the Police Department funded by the grant.

Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

14. **Detention Facilities Intergovernmental Agreement – Approved on Consent**
Request: Adopt **Resolution No. 12576** authorizing Agreement No. 2022-135-COS with the City of Tempe for the purpose of sharing detention facilities when needed.
Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

15. **Proposition 202 Grant Funds Acceptance – Approved on Consent.**
Request: Adopt **Resolution No. 12667** to authorize:
 1. Agreement No. 2022-196-COS with the Salt River Pima-Maricopa Indian Community to accept Proposition 202 Tribal Gaming Funds in the amount of \$1,001,616.
 2. A budget transfer, in the amount of \$300,000, from the adopted Fiscal Year 2022/23 Future Grants and/or Grant Contingency budget to newly created cost centers to record the grant activity.**Staff Contact(s):** Dale Wiebusch, Government Relations Director, 480-312-2683, dwiebusch@scottsdaleaz.gov

16. **Fiscal Year (FY) 2022/23 Capital Improvement Plan (CIP) Budget Adjustments and Cash Transfers – Approved on Consent.**
Request: Adopt **Resolution No. 12683** to authorize:
 1. FY 2022/23 budget adjustments related to the CIP for the purpose of accurately expensing the FY 2022/23 budget
 2. A FY 2022/23 cash transfer from the Operating Special Programs Fund to the McCormick-Stillman Bunkhouse (PJ02) CIP project
 3. A FY 2022/23 cash transfer from the Operating Scottsdale AZ Cares Fund to the Operating General Fund.**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

17. **Motor Vehicles and Traffic Code Amendment – Approved on Consent.**
Request: Adopt **Ordinance No. 4577** amending Scottsdale Revised Code, Chapter 17, Motor Vehicles and Traffic, amending Sections 17-108 and 17-129 and adding Section 17-130 relating to towing from public property.
Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

18. **Acting City Auditor Appointment and Rehire of Current City Auditor in a Temporary Capacity – Approved on Consent.**
Request: Adopt **Resolution No. 12697** to authorize:
 1. Acceptance of the upcoming retirement and resignation of Sharron Walker as City Auditor, effective December 30, 2022.
 2. Termination of Employment Agreement No. 2011-159-COS with Sharron Walker at the close of business on December 30, 2022.
 3. Directing the Human Resources Director to rehire Sharron Walker as an unbenefited, temporary, part-time City employee at her current hourly rate to provide any needed assistance to the City Auditor's Office during the upcoming transition.
 4. Appointing Lai Cluff as Acting City Auditor effective December 31, 2022, until a new City Auditor is appointed and begins employment.**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 19-21**

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

19. [Mercado Courtyards Minor General Plan Amendment and Rezoning \(6-GP-2022 and 12-ZN-2022\)](#)

Requests:

1. Adopt **Resolution No. 12633** approving a Minor General Plan Amendment to the Scottsdale General Plan 2035 Future Land Use Map from Commercial to Mixed-Use Neighborhoods on ±3.92-acres of a ±8.52-acre site.
2. Adopt **Ordinance No. 4573** approving a zoning district map amendment from Highway Commercial Planned Community District (C-3 PCD) and Commercial Office Planned Community District (C-O PCD) to Planned Unit Development Planned Community District (PUD PCD) with a development plan on a ±8.52-acre site for a mixed-use development, including 262 multi-family units.
3. Adopt **Resolution No. 12637** declaring the document titled “*Mercado Courtyards Development Plan*” to be a public record.

Location: 10299 N. 92nd Street, 10301 N. 92nd Street, 9301 E. Shea Boulevard

Presenter(s): Jeff Barnes, Senior Planner

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

– Senior Planner Jeff Barnes and Applicant Representative Chris Loeffler, Chief Executive Officer of Caliber Companies, Inc., gave PowerPoint presentations.

– Councilwoman Littlefield made a motion to deny Item 18 [Mercado Courtyards Minor General Plan Amendment and Rezoning]. Councilwoman Janik seconded the motion.

– Councilmember Milhaven made a motion to continue Item 18 [Mercado Courtyards Minor General Plan Amendment and Rezoning] to a date to be determined at a future time. Councilwoman Caputi seconded the motion, which failed 3/4, with Vice Mayor Durham and Councilmembers Caputi and Milhaven voting in the affirmative and Mayor Ortega and Councilmembers Janik, Littlefield, and Whitehead dissenting.

– The Council then voted on Councilwoman Littlefield’s original motion to deny Item 18 [Mercado Courtyards Minor General Plan Amendment and Rezoning], which carried 5/2, with Mayor Ortega and Councilmembers Caputi, Janik, Littlefield, and Whitehead voting in the affirmative and Vice Mayor Durham and Councilmember Milhaven dissenting.

*****20. [94 Hundred Shea – The Village Minor General Plan Amendment and Rezoning \(3-GP-2022 and 8-ZN-2022\)](#)**

Request: At the request of the applicant, continue to a to be determined City Council meeting date in 2023.

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

– Mayor Ortega noted Item 20 [94 Hundred Shea – The Village Minor General Plan Amendment and Rezoning] was being continued to a date to be determined (sometime in the next year) per the applicant’s request, which was received by the City Clerk two days ahead of the City Council Meeting.

21. [Scottsdale 3200 North Rezoning \(6-ZN-2022 and 4-DA-2022\)](#)

Requests:

1. Adopt **Ordinance No. 4574** approving a zoning district map amendment from Highway Commercial (C-3) to Downtown/Downtown Multiple Use Type 2 Planned Block Development Downtown Overlay (D/DMU-2 PBD DO) with a development plan and site-specific standards for building location and bonus residential density (50 du/ac to 55.8 du/ac) for a new mixed-use development on a ±2.4-acre site.
2. Adopt **Resolution No. 12652** declaring the document titled “*Scottsdale 3200 North Development Plan*” to be a public record.
3. Adopt **Resolution No. 12653** authorizing Development Agreement No. 2022-185-COS with 3202 Scottsdale, LLC.

Location: 3202 N. Scottsdale Road

Presenter(s): Greg Bloemberg, Project Coordination Liaison

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

– **Project Coordination Liaison Greg Bloemberg gave a PowerPoint presentation. Applicant Representatives, Owner John Coulter, the Vice President and Director of Development for Desert Troon Companies and Architect Michael Edwards, with Davis Architects, gave a presentation.**

– **Councilwoman Janik made a motion to continue Scottsdale 3200 North Rezoning to a date to be determined. Councilwoman Whitehead seconded the motion. The motion was then withdrawn.**

– **Councilmember Milhaven made a motion to:**

1. **Adopt Ordinance No. 4574 approving a zoning district map amendment from Highway Commercial (C-3) to Downtown/Downtown Multiple Use Type 2 Planned Block Development Downtown Overlay (D/DMU-2 PBD DO) with a development plan and site-specific standards for building location and bonus residential density (50 du/ac to 55.8 du/ac) for a new mixed-use development on a ±2.4-acre site.**
2. **Adopt Resolution No. 12652 declaring the document titled “*Scottsdale 3200 North Development Plan*” to be a public record.**
3. **Adopt Resolution No. 12653 authorizing Development Agreement No. 2022-185-COS with 3202 Scottsdale, LLC.**
4. **All being adopted with a revision in this zoning case and Development Plan reflecting a minimum of 8,000 square feet dedicated to commercial use and any required changes to parking spaces and all other required revisions necessary to reflect the increase in commercial use space.**

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

Public Comment – None

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CITIZEN PETITIONS

ITEM 22

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.

22. 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 agendaize 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

Adjournment – 10:15 P.M.

– Councilwoman Janik made a motion to adjourn the Regular Meeting. Councilwoman Caputi 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.