

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED MAYOR AND COUNCIL ITEM No. 16]

COUNCIL

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

Tuesday, July 11, 2023

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 (August 21, 2023).

In-person spoken public comment is being accepted on Items 1 through 14. 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

Tuesday, July 11, 2023

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Call to Order – 5:03 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 Durham

Mayor's Report

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

Mayor Ortega recognized the retirement of Deputy City Clerk Cathie Butteweg and the Mayor and City Council thanked her for many years of dedicated service.

Mayor Ortega announced openings on several city Boards and Commissions. He invited interested residents to apply and noted applications are being accepted through the city's website scottsdaleaz.gov. Mayor Ortega noted the spirit of service is alive and well in Scottsdale and cited the numerous volunteer positions throughout the City.

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 – Robert Grossman commented on Water Pumping Station No. 57 and asked to meet with staff and that additional landscaping or other enhancements be made to the site.

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.

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Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

CONSENT AGENDA ITEMS 1-14

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.

– There was no public comment on the Consent Agenda.

– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 14, except Item 9 [Rawhide Wash Flood Hazard Mitigation Project Intergovernmental Agreement Amendment]; Item 10 [Modernize and Expand Police and Fire Training Facility Construction Services Contract]; and Item 11 [McDowell Sonoran Conservancy Agreement] which were moved to the Regular Agenda. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor

Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

1. **UCHI Liquor License (33-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 3821 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Urge Taphouse Kitchen Liquor License (34-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 6137 N. Scottsdale Road, Suite B108
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Residence Inn Scottsdale North Liquor License (35-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an owner transfer of a Series 7 (beer and wine bar) State liquor license for an existing location with a new owner.
Location: 17011 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Lane Park Scottsdale Liquor License (36-LL-2023) – 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: 7232 E. 1st Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **The Point Pub & Grill Liquor License (37-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 32409 N. Scottsdale Road, Suite 107
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Grayhawk Golf Club Liquor License (38-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an owner transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 8620 E. Thompson Peak Parkway
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Fozzy's Bar & Grill Liquor License (39-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 15689 N. Hayden Road, Suite L 125
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **VFW Post 3513 Bingo License (2-BI-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Revenue for a bingo license for the VFW Post 3513.

Location: 7220 E. Wilshire Drive

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

9. **Rawhide Wash Flood Hazard Mitigation Project Intergovernmental Agreement Amendment**

Request: Adopt **Resolution No. 12890** to authorize:

1. Agreement No. 2020-011-COS-A2 with the City of Phoenix and the Maricopa County Flood Control District to provide for further funding and revise cost share for the additional funding of construction, construction management, and operation and maintenance for the Rawhide Wash Flood Hazard Mitigation Project.
2. The superseding and supplanting of Resolution No. 12759 and Agreement No. 2020-011-COS-A1.

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

– **Drainage/Flood Control Manager Hasan Mushtaq gave a presentation.**

– **There was no public comment on this item.**

– **Mayor Ortega made a motion to approve Item No. 9 [Rawhide Wash Flood Hazard Mitigation Project Intergovernmental Agreement Amendment] and adopt Resolution No. 12890 to authorize Agreement No. 2020-011-COS-A2 with the City of Phoenix and the Maricopa County Flood Control District to provide for further funding and revise cost share for the additional funding of construction, construction management, and operation and maintenance for the Rawhide Wash Flood Hazard Mitigation Project. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.**

10. **Modernize and Expand Police and Fire Training Facility Construction Services Contract**

Request: Adopt **Resolution No. 12880** authorizing Construction Manager at Risk Contract No. 2023-065-COS-A1 with CORE Construction, Inc., in an amount not to exceed \$4,872,893, for Phase 2 of the construction phase services for the Bond 2019 Project 27 – Modernize and Expand the Police and Fire Training Facility.

Location: 911 N. Stadem Drive

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

– **City Engineer Alison Tymkiw gave a PowerPoint presentation.**

– **There was no public comment on this item.**

– **Councilwoman Caputi made a motion to approve Item 10 [Modernize and Expand Police and Fire Training Facility Construction Services Contract] and adopt Resolution No. 12880. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.**

11. **McDowell Sonoran Conservancy Agreement**

Request: Adopt **Resolution No. 12851** to authorize:

1. Agreement No. 2023-081-COS with the McDowell Sonoran Conservancy regarding the McDowell Sonoran Preserve, the use of City facilities, and responsibilities of the Conservancy.
2. The City Manager, or designee, to execute any such documents, provide for use of City facilities, and take any such other actions as necessary to carry out the intent of this Resolution and Agreement.

Staff Contact(s): William B. Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsdaleaz.gov

– **Parks and Recreation Manager Scott Hamilton gave a PowerPoint presentation.**

– **There was no public comment on this item.**

– Councilwoman Whitehead made a motion to adopt Resolution No. 12851 authorizing Agreement No. 2023-081-COS with the McDowell Sonoran Conservancy regarding the McDowell Sonoran Preserve, the use of City facilities, and responsibilities of the Conservancy. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

12. **Community Development Block Grant (CDBG) Funded Projects Budget Transfers – Approved on Consent.**

Request: Adopt Resolution No. 12820 to authorize:

1. A Fiscal Year (FY) 2023/24 Budget Transfer, of up to \$450,000, from the adopted FY 2023/23 Future Grants Budget and/or Grant Contingency budget to a newly created Capital Improvement Plan (CIP) project to titled “Cox Heights and Pima Meadows Pavement Reconstruction and ADA Upgrades” to be funded by the CDBG grant funding source.
2. A Fiscal Year (FY) 2023/24 Budget Transfer, of up to \$68,765, with \$48,765 from the adopted FY 2023/24 Future Grants Budget and/or Grant Contingency Budget; and \$20,000 from the Security Cameras and Access Control Systems CIP project to a newly created CIP project to be titled “Video Surveillance Camera System Installation at Paiute and Eldorado Parks” to be funded by the CDBG grant and the General Fund funding sources.
3. The City Manager, or designee, to execute any such documents and take any such other actions as necessary to carry out the intent of this Resolution and Agreement.

Staff Contact(s): William B. Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsdaleaz.gov

13. **DNA Evidence Storage Facility Project Budget Transfer – Approved on Consent.**

Request: Adopt Resolution No. 12891 authorizing a Fiscal Year 2023/24 Public Safety – Police Budget Transfer, of up to \$163,102, to replace Racketeer Influenced and Corrupt Organizations (RICO) funding with Federal Grant funding within Capital Improvement Project, DNA Evidence Storage Facility (BH05).

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

14. **Booster Pump Station 83 A/B Rehabilitation Project Construction Phase Services Contract – Approved on Consent.**

Request: Adopt Resolution No. 12825 authorizing Construction Manager at Risk Contract No. 2021-156-COS-A2 with MGC Contractors, Inc., in an amount not to exceed \$8,805,609.46, to provide phase three construction services for the Booster Pump Station 83 A/B Rehabilitation Project.

Location: Northwest corner of Frank Lloyd Wright Boulevard and 90th Street

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

Public Comment – None

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CITIZEN PETITIONS

ITEM 15

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.

15. 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 16

Mayor and Council Items: Any member of the Council may add an item to a scheduled Council Meeting agenda to be listed under “Mayor and Council” items by submitting the item to the City Clerk at least two business days prior to the Council meeting. Item No. 16 was added to the agenda on July 6, 2023. Items added in this manner require a majority vote. 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 item for a future meeting; (2) direct the City Manager or responsible Charter Officer to investigate the matter and prepare a written response to the Council; or (3) take no action.

*****16. Short Term Rental Discussion and Possible Action at Future Council Meeting**

Request: At the request of Mayor Ortega, direct the City Manager and City Attorney to research and agendize an item for discussion and possible Council action regarding potential additional or increased enforcement mechanisms and/or efforts related to short term rentals.

Note: The only possible Council action to be taken on Item No. 16 is: (1) Direct the City Manager to agendize the item for a future meeting; (2) direct the City Manager or responsible Charter Officer to investigate the matter and prepare a written response to the Council; or (3) take no action. No public comment will be taken at this time.

– Mayor Ortega made a motion to direct the City Manager to:

- 1) Compile a detailed report on crimes and infractions committed and calls for service at short term rentals in the City and a summary of actions taken by adjoining jurisdictions.**
- 2) Agendize the item for discussion and possible Council action regarding potential additional or increased enforcement mechanisms and/or efforts related to short term rentals.**

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

Adjournment – 6:26 P.M.

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