

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[ADDED MAYOR AND COUNCIL ITEM No. 28A]**

### **COUNCIL**

David D. Ortega, Mayor  
Tammy Caputi  
Tom Durham  
Barry Graham

Betty Janik  
Kathleen S. Littlefield  
Solange Whitehead

**Tuesday, September 19, 2023**

*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://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 (October 10, 2023).*

*In-person spoken public comment is being accepted on Items 1 through 27. 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](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

**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).*

**Mayor Ortega announced that Myriam Aispuro was in attendance to provide interpretation services.**

**Pledge of Allegiance – Vice Mayor Littlefield**

**Mayor's Report**

**– Mayor Ortega stated that 19 months ago Ukraine was invaded and suffered the loss of homes, hospitals, clinics, schools, and libraries. He requested a moment of silence in support of their efforts and fight for freedom and democracy.**

**– Mayor Ortega noted the damage caused by the earthquake in Morocco and Scottsdale's sister city of Marrakesh. He requested a moment of silence in remembrance of the 2,900 people that were killed and the 2,500 injured in the tragedy.**

**– Mayor Ortega recognized that today marked Councilwoman Littlefield's last Council Meeting as Vice Mayor and announced that Councilwoman Whitehead would begin her rotation as Vice Mayor on October 1<sup>st</sup>.**

**– Mayor Ortega commemorated Hispanic Heritage Month, noting the city has a strong cadre of employees of different heritages, and presented members of the Scottsdale Hispanic Network with a proclamation.**

**Presentations/Information Updates – Community Assistance Manager Mary Witkofski and Administrator of Home Improvements and Community Services Katie Martin, with the Foundation for Senior Living, gave a presentation on funding options for the State's Weatherization Program.**

- [Weatherization Program Funding Presentation](#)

**Presenter(s):** Mary Witkofski, Community Assistance Manager and Katie Martin, Foundation for Senior Living, Administrator of Home Improvements and Community Services

**Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.**

**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 – Edward Scott Kerns expressed concerns with the airport. Veronica Corcoran commented on road diets and the need to save humankind. Mike Petersen discussed road diets and spending concerns.**

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.”**

## MINUTES

**Request:** Approve the following Council meeting minutes from August 2023:

- a. [Special Meeting Minutes of August 21, 2023](#)
- b. Executive Session Minutes of August 21, 2023
- c. [Regular Meeting and Work Study Session Minutes of August 21, 2023](#)
- d. [Regular Meeting Minutes of August 22, 2023](#)

**– Councilwoman Whitehead made a motion to approve the Special Meeting Minutes of August 21, 2023; Executive Session Minutes of August 21, 2023; Regular Meeting and Work Study Session Minutes of August 21, 2023; and Regular Meeting Minutes of August 22, 2023. 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.**

## CONSENT AGENDA ITEMS 1-22

**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 22, except Item 9 [Scottsdale Strategic Transportation Safety Plan Grant Agreement] and Item 17 [Infrastructure Reimbursement Agreement] which were moved to the Regular Agenda. 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.**

1. [Elephante Scottsdale Liquor License \(49-LL-2023\)](#) – **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:** 7014 E. Camelback Road, Suite 0601  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. [Pinnacle Brewing Company Liquor License \(50-LL-2023\)](#) – **Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 3 (in-state microbrewery) State liquor license for a new location and owner.  
**Location:** 15111 N. Hayden Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. [W Scottsdale Liquor License \(51-LL-2023\)](#) – **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:** 7277 E. Camelback Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

4. **[Holiday Inn Express & Suites Scottsdale – Old Town Liquor License \(52-LL-2023\) – 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:** 3131 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
  
5. **[Verizon PHO Indian Bend & Scottsdale Conditional Use Permit \(6-UP-2023\) – Approved on Consent.](#)**  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 12900** approving a Conditional Use Permit for a new Type 4 Alternative Concealment Wireless Community Facility inside a new 50-foot-tall faux water tank structure at McCormick Stillman Railroad Park.  
**Location:** 7301 E. Indian Bend Road  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
  
6. **[Stagecoach and Windmill \(Signature at Stagecoach Pass\) Final Plat \(7-PP-2022\) – Approved on Consent.](#)**  
**Request:** Approve the final plat for a 15-lot residential subdivision with Amended Development Standards with Single-Family Residential, Environmentally Sensitive Lands (R1-70 ESL & R1-190 ESL) zoning on a ±40-acre site.  
**Location:** 36180 N. Windmill Road  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
  
7. **[Sports Field Lighting and Installation Job Order Contract Extension – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 12915** authorizing Contract No. 2020-168-COS-A2, the second extension to the agreement with Musco Sports Lighting, LLC, in an amount not to exceed \$2,500,000, for a one-year term, for sports lighting, installation, and related material construction projects throughout the city.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
8. **[Reata Wash Flood Control Engineering Services Contract Modification – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 12924** authorizing Contract No. 2018-027-COS-A1 with Wood, Patel & Associates, Inc., in the amount of \$1,912,720, for the completion of the design of the Reata Wash Flood Control Project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
9. **[Scottsdale Strategic Transportation Safety Plan Grant Agreement](#)**  
**Request:** Adopt **Resolution No. 12916** to authorize:
  1. Grant Agreement No. 2023-131-COS with the United States Department of Transportation Federal Highway Administration, accepting \$288,000 in grant funds to prepare the City's Strategic Transportation Safety Plan.
  2. The City Manager, or designee, to execute other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.
  3. A Budget Transfer, of up to \$288,000, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center within the Grants Fund to record activity related to the Strategic Transportation Safety Plan.**Staff Contact(s):** Mark Melnychenko, Transportation and Streets Director, 480-312-7651, [mmelnychenko@scottsdaleaz.gov](mailto:mmelnychenko@scottsdaleaz.gov)

– **NOTE: Item 9 was considered after Item No. 27 was heard per a request from Mayor Ortega.**

– **Transportation and Streets Director Mark Melnychenko gave a PowerPoint presentation on the proposed Scottsdale Strategic Transportation Safety Plan Grant Agreement.**

– **Mayor Ortega opened public comment on this item.**

- **Greg Blaire, Scottsdale resident, thanked Councilmember Durham for having staff clarify that the Vision Zero Program was not applicable to this project.**
- **Angela Jacobsen, Scottsdale resident, expressed safety concerns related to street narrowing and commended the City on its pedestrian crossings.**
- **Beth Weise, Scottsdale resident, requested information on the Blue Zone Program.**

– **Mayor Ortega closed public comment on this item.**

– **Councilwoman Whitehead made a motion to adopt Resolution No. 12916 authorizing:**

- 1) Grant Agreement No. 2023-131-COS with the United States Department of Transportation Federal Highway Administration, accepting \$288,000 in grant funds to prepare the City's Strategic Transportation Safety Plan.**
- 2) The City Manager, or designee, to execute other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.**
- 3) A Budget Transfer, of up to \$288,000, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center within the Grants Fund to record activity related to the Strategic Transportation Safety Plan.**

**Councilmember Durham seconded the motion, which carried 6/1, with Mayor Ortega; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative and Vice Mayor Littlefield dissenting.**

**10. Central Arizona Project Canal/100th Street Path Active Transportation Project Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 12917** to authorize:

- 1. Active Transportation Project Agreement No. 2023-132-COS with the Maricopa Association of Governments to identify the level of financial obligations of the parties for the Central Arizona Project Canal/100<sup>th</sup> Street Path.**
- 2. The City Manager, or designee, to execute other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.**

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

**11. Loop 101 Mobility Project – Scottsdale Connected Vehicle Deployment Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 12902** to authorize:

- 1. Intergovernmental Agreement No. 2023-127-COS with the Maricopa County Department of Transportation for the transfer of connected vehicle equipment to the City and the implementation of a transit signal priority pilot project for Scottsdale Trolley vehicles.**
- 2. The City Manager, or designee, to execute other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.**

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

12. **Transit Services Intergovernmental Agreement Amendment – Approved on Consent.**

**Request:** Adopt **Resolution No. 12927** to authorize:

1. Agreement No. 2018-126-COS-A6, the sixth amendment to the agreement with the Regional Public Transportation Authority for Fiscal Year 2023/24 fixed route transit operations.
2. The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.

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

– Mayor Ortega opened public comment on this item.

– Paul Rowe, Scottsdale resident, expressed concerned for the reduction of vehicular traffic lanes in the area and light rail cost.

– Mayor Ortega closed public comment on this item.

13. **HOME Investment Partnership Intergovernmental Agreement Amendment – Approved on Consent.**

**Request:** Adopt **Resolution No. 12908** to authorize:

1. Agreement No. 2018-039-COS-A5, the fifth amendment to the agreement with Maricopa County, on behalf of the Maricopa HOME Consortium, extending completion deadlines and making other administrative revisions.
2. The Community Services Assistant Executive Director to execute any other documents and take such other actions as are necessary to carry out the intent of this Resolution and Agreement.

**Staff Contact(s):** Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

14. **Scottsdale Taste of Italy and International Food Fair Event Funding – Approved on Consent.**

**Request:** Adopt **Resolution No. 12925** to authorize:

1. Funding, not to exceed \$36,750, from the portion of the Fiscal Year (FY) 2023/24 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale Taste of Italy and International Food Fair.
2. Event Funding Agreement No. 2023-134-COS with The Italian Association for the Scottsdale Taste of Italy and International Food Fair.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

15. **Audit Services Intergovernmental Agreement Amendment – Approved on Consent.**

**Request:** Adopt **Resolution No. 12926** to authorize:

1. Agreement No. 2021-023-COS-A2, the second amendment to the agreement with the Scottsdale Unified School District No. 48, for clarification of roles and responsibilities and additional audit scope as anticipated and as further defined in the Audit Scope and Billing sections of the agreement amendment.
2. The City Auditor, or designee, to execute any related documents and take such other actions as necessary in connection with this Resolution and Agreement.

**Staff Contact(s):** Lai Cluff, Acting City Auditor, 480-312-7851, [lcluff@scottsdaleaz.gov](mailto:lcluff@scottsdaleaz.gov)

16. **Legal Services Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 12935** authorizing Contract No. 2023-143-COS with the law firm of Jennings, Haug, Keleher, McLeod for legal services.

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

17. **Infrastructure Reimbursement Agreement**

**Request:** Adopt **Resolution No. 12939** to authorize:

1. Infrastructure Reimbursement Agreement No. 2023-145-COS with McDowell Mountain Village Declarant, LLC (“Optima”), for cost reimbursement to design and construct sewer projects, including portions of Infrastructure Improvement Plan Project (IIP) No. IIP-004 and Project No. IIP-005 (sewer transmission mains).
2. 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.

**Location:** Generally between Scottsdale Road and the TPC interceptor

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

**– NOTE: Item 17 was considered after Item No. 27 and Item No. 9 were heard per a request from Mayor Ortega.**

**– Water Resources Executive Director Brian Biesemeyer gave a PowerPoint presentation on the Infrastructure Reimbursement Agreement.**

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

**– Mayor Ortega made a motion to adopt Resolution No, 12939 authorizing the Infrastructure Reimbursement Agreement No. 2023-145-COS with McDowell Mountain Village Declarant, LLC (“Optima”), for cost reimbursement to design and construct sewer projects, including portions of Infrastructure Improvement Plan Project (IIP) No. IIP-004 and Project No. IIP-005 (sewer transmission mains). 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.**

18. **Monthly Financial Report – Approved on Consent.**

**Request:** Accept the Fiscal Year 2023/24 Monthly Financial Report as of July 2023.

**Staff Contact(s):** Ana Lia Johnson, Interim Budget Director, 480-312-7893, [anjohanson@scottsdaleaz.gov](mailto:anjohanson@scottsdaleaz.gov)

19. **Driving Under the Influence (DUI) Enforcement and Education Grant – Approved on Consent.**

**Request:** Adopt **Resolution No. 12931** to authorize if awarded:

1. Acceptance of a grant from the Arizona Governor’s Office of Highway Safety, in the amount of \$100,000, to reimburse the City for overtime costs related to DUI impaired driving enforcement and education.
2. The City Manager, 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 \$100,000, from the Fiscal Year 2023/24 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](mailto:jwalther@scottsdaleaz.gov)

20. **Know Your Limit Awareness and Education Grant – Approved on Consent.**

**Request:** Adopt **Resolution No. 12932** to authorize if awarded:

1. Acceptance of a grant from the Arizona Governor’s Office of Highway Safety, in the amount of \$25,000, to reimburse the City for overtime costs related to Know Your Limit awareness and educational activities.
2. The City Manager, 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 \$25,000, from the Fiscal Year 2023/24 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](mailto:jwalther@scottsdaleaz.gov)

**21. [Bicycle and Pedestrian Safety Education Grant](#) – **Approved on Consent.****

**Request:** Adopt **Resolution No. 12933** to authorize if awarded:

1. Acceptance of a grant from the Arizona Governor’s Office of Highway Safety, in the amount of \$60,000, to reimburse the City for overtime costs related to bicycle and pedestrian safety education and enforcement.
2. The City Manager, 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 \$60,000, from the Fiscal Year 2023/24 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](mailto:jwalther@scottsdaleaz.gov)

**22. [Selective Traffic Enforcement Program Grant](#) – **Approved on Consent.****

**Request:** Adopt **Resolution No. 12934** to authorize if awarded:

1. Acceptance of a grant from the Arizona Governor’s Office of Highway Safety, in the amount of \$80,000, to reimburse the City for overtime costs related to the Selective Traffic Enforcement Program.
2. The City Manager, 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 \$80,000, from the Fiscal Year 2023/24 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](mailto:jwalther@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 23-27**

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

**Recess Regular Meeting at 7:46 P.M.**

**Reconvene Regular Meeting at 7:58 P.M.**

**Public Comment Note:** Item Nos. 23, 24 and 25 will be presented together. Speakers will be given one opportunity to address the Council on one or all items.

**23. [Paiute Neighborhood Center Construction Budget Appropriation and Cash Transfer](#)**

**Request:** Adopt **Resolution No. 12928** authorizing a Fiscal Year 2023/24 General Fund Operating Transfer, in the amount of \$5,316,186, from the General Plan Initiatives designation in the General Fund Operating Fund balance to the Bond 2019 Project 25 – Replace Aging Buildings that Comprise Paiute Community Center.

**Location:** 6535 E. Osborn Road

**Presenter(s):** Alison Tymkiw, City Engineer

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

**NOTE: Items 23, 24, and 25 were presented together.**



– Community Services Assistant Executive Director Judy Doyle introduced the presentation. City Engineer Alison Tymkiw, Human Services Director Greg Bestgen, and Community Assistance Manager Mary Witkofski gave a PowerPoint presentation on the Paiute Neighborhood Center Construction Budget Appropriation and Cash Transfer, HOME Investment Partnership Program Funding Intergovernmental Agreement, and Affordable Housing and Bridge Housing Intergovernmental Agreement.

– Mayor Ortega opened public comment on these items.

– The following individuals spoke in support of these items:

- Darlene Newsom, Phoenix resident
- Denise Resnick, with First Place AZ/Home is Where it all Starts (gave a PowerPoint presentation)
- Jackie Parks, with Community House
- Patrick Cunningham, Scottsdale resident
- Mary Ellen Cunningham, Scottsdale resident
- Alex McLaren, Scottsdale resident
- Neal Shearer, Scottsdale resident
- Becca Linnig, with the Scottsdale Area Association of Realtors Government Affairs Committee
- Lee Cooley, Scottsdale resident
- Alfredo Izmajtovich, with the Cesar Chavez Foundation
- Raoul Zubia, with the Partners for Paiute Board of Directors

– The following individuals spoke in support of these items, but noted concerns:

- Paul Rowe, Scottsdale resident, spoke in support of the proposed renovations to the Paiute Neighborhood Center, but noted concerns with proposed costs of each housing unit
- Nico Black, Fountain Hills resident, spoke in support of the items, but requested additional housing choice vouchers for those who do not currently qualify for the program

– Mayor Ortega closed public comment on these items.

Mayor Ortega made a motion to adopt Resolution No. 12928 authorizing a Fiscal Year 2023/24 General Fund Operating Transfer, in the amount of \$5,316,186, from the General Plan Initiatives designation in the General Fund Operating Fund balance to the Bond 2019 Project 25 – Replace Aging Buildings that Comprise Paiute Community Center. Councilwoman Whitehead seconded the motion, which carried 6/1, with Mayor Ortega and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative and Vice Mayor Littlefield dissenting.

24. [HOME Investment Partnership Program \(HOME\) Funding Intergovernmental Agreement \(Paiute Community Center/Tenant Based Rental Assistance\)](#)

**Request:** Adopt **Resolution No. 12847** to authorize:

- 1) Agreement No. 2022-026-COS-A1, the first amendment to the agreement with Maricopa County for funds from the Home Investment Partnership Program, American Rescue Plan (ARP) Act, and Program Year (PY) 22 HOME Investment Partnership Program, in the amount of \$1,808,773, for construction of affordable housing and the provision of Bridge Housing; and administration of the Tenant Based Rental Assistance Program.
- 2) The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.
- 3) A Fiscal Year 2023/24 Operating Grant Budget Appropriation Transfer, in the amount of \$1,192,098, from the 22/23-HOME ARP to a newly created Capital Improvement Plan project titled “*Construct The Residence at Paiute*” to be funded by HOME-ARP funds through the Maricopa County HOME Consortium.

**Location:** 6535 E. Osborn Road

**Presenter(s):** Mary Witkofski, Community Assistance Manager and Greg Bestgen, Human Services Director

**Staff Contact(s):** Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

**Councilwoman Janik made a motion to adopt Resolution No. 12847 authorizing:**

- 1) **Agreement No. 2022-026-COS-A1, the first amendment to the agreement with Maricopa County for funds from the Home Investment Partnership Program, American Rescue Plan (ARP) Act, and Program Year (PY) 22 HOME Investment Partnership Program, in the amount of \$1,808,773, for construction of affordable housing and the provision of Bridge Housing; and administration of the Tenant Based Rental Assistance Program.**
- 2) **The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.**
- 3) **A Fiscal Year 2023/24 Operating Grant Budget Appropriation Transfer, in the amount of \$1,192,098, from the 22/23-HOME ARP to a newly created Capital Improvement Plan project titled "Construct The Residence at Paiute" to be funded by HOME-ARP funds through the Maricopa County HOME Consortium.**

**Councilwoman Whitehead seconded the motion, which carried 5/2, with Mayor Ortega and Councilmembers Caputi, Durham, Janik, and Whitehead voting in the affirmative and Vice Mayor Littlefield and Councilmember Graham dissenting.**

25. **[Affordable Housing and Bridge Housing Intergovernmental Agreement \(Paiute Community Center\)](#)**

**Request:** Adopt **Resolution No. 12913** to authorize:

1. Contract No. 2023-130-COS with Maricopa County for the American Rescue Plan Act (ARPA) of 2021, Coronavirus State and Local Fiscal Recovery Funds in the amount of \$6,570,000, for construction of affordable housing and to provide bridge housing.
2. The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.
3. A Fiscal Year 2023/24 Capital Grant Contingency Budget appropriation transfer, in the amount of \$6,570,000, to a newly created Capital Improvement Plan project titled "Construct The Residence at Paiute" to be funded by the American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery through Maricopa County.
4. A Fiscal Year 2023/24 General Fund transfer, in the amount of \$7,909,173, from the General Plan Initiatives designation in the General Fund Operating Fund balance to a newly created Capital Improvement Plan project titled "Construct The Residence at Paiute".

**Location:** 6535 E. Osborn Road

**Presenter(s):** Mary Witkofski, Community Assistance Manager and Greg Bestgen, Human Services Director

**Staff Contact(s):** Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

**Councilwoman Janik made a motion to adopt Resolution No.12913 to authorize:**

- 1) **Contract No. 2023-130-COS with Maricopa County for the American Rescue Plan Act (ARPA) of 2021, Coronavirus State and Local Fiscal Recovery Funds, in the amount of \$6,570,000, for construction of affordable housing and to provide bridge housing.**
- 2) **The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.**
- 3) **A Fiscal Year 2023/24 Capital Grant Contingency Budget appropriation transfer, in the amount of \$6,570,000, to a newly created Capital Improvement Plan project titled "Construct The Residence at Paiute" to be funded by the American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery through Maricopa County.**

- 4) A Fiscal Year 2023/24 General Fund transfer, in the amount of \$7,909,173, from the General Plan Initiatives designation in the General Fund Operating Fund balance to a newly created Capital Improvement Plan project titled *“Construct The Residence at Paiute.”*

Councilmember Durham seconded the motion, which carried 5/2, with Mayor Ortega and Councilmembers Caputi, Durham, Janik, and Whitehead voting in the affirmative and Vice Mayor Littlefield and Councilmember Graham dissenting.

– NOTE: Item 26 was considered before Item Nos. 23, 24, and 25 per a request from Mayor Ortega.

26. [Bridge Housing Program Agreement](#)

**Request:** Adopt **Resolution No. 12912** to authorize:

1. Contract No. 2023-129-COS with Pengol Hospitality I, LLC, in the amount of \$499,933, for 10 hotel rooms for 12 months, for the provision of affordable housing and bridge housing to assist those in need.
2. The City Manager to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution and Contract.

**Presenter(s):** Greg Bestgen, Human Services Director

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

– Greg Bestgen gave a PowerPoint presentation on the Bridge Housing Program Agreement.

– Mayor Ortega opened public comment on this item.

– The following individuals spoke in support of this item:

- Charles Feeley, with the Independence 47 Hotel
- Patrick Cunningham, Scottsdale resident
- Mary Ellen Cunningham, Scottsdale resident
- Neal Shearer, Scottsdale resident
- Victor Assad, Scottsdale resident
- Mary Harden, Scottsdale resident
- Andrew Scheck, Scottsdale resident
- Lorna Henry, Scottsdale resident
- Luticia Taylor, with the Healing Hearts Foundation

– The following individuals spoke in opposition to this item:

- Mike Petersen

– Mayor Ortega closed public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 12912 authorizing:

- 1) Contract No. 2023-129-COS with Pengol Hospitality I, LLC, in the amount of \$499,933, for 10 hotel rooms for 12 months, for the provision of affordable housing and bridge housing to assist those in need.
- 2) The City Manager to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution and Contract.

Councilmember Durham seconded the motion.

– Councilmember Graham made an amendment to the original motion to specify in the contract that foreign nationals and non-Scottsdale residents would not be housed at the hotel. Vice Mayor Littlefield seconded the motion, which failed 2/5 with Vice Mayor Littlefield and Councilmember Graham voting in the affirmative and Mayor Ortega and Councilmembers Caputi, Durham, Janik and Whitehead dissenting.

– The Council then voted on Mayor Ortega’s original motion to adopt Resolution No. 12912 and Contract No. 2023-129-COS, which carried 6/1, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Janik and Whitehead voting in the affirmative and Councilmember Graham dissenting.

– NOTE: Item 27 was considered before Item Nos. 23, 24, 25 and 26 per a request from Mayor Ortega.

27. [Scottsdale Museum of the West Expansion and Management Services Agreements](#)

**Requests:**

1. Adopt **Resolution No. 12918** to authorize:
  - a. Museum Expansion Construction Agreement No. 2023-133-COS with Museum of the West, Inc., for expansion of the Scottsdale Museum of the West.
  - b. 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.
2. Adopt **Resolution No. 12919** authorizing an amended Museum Management Agreement No. 2021-088-COS-A1 with the Scottsdale Museum of the West, Inc., for management services.

**Location:** 3830 N. Marshall Way

**Presenter(s):** Brent Stockwell, Assistant City Manager

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890,

[kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

– Assistant City Manager Brent Stockwell gave a PowerPoint presentation on the Scottsdale Museum of the West Expansion and Management Services Agreements.

– There was no public comment on this item.

– Councilwoman Janik made a motion to adopt Resolution No. 12918 authorizing Museum Expansion Construction Agreement No. 2023-133-COS with Museum of the West, Inc., for expansion of the Scottsdale Museum of the West; and Resolution No. 12919 authorizing an amended Museum Management Agreement No. 2021-088-COS-A1 with the Scottsdale Museum of the West, Inc., for management services. 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.

**Public Comment – None**

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.”**

## CITIZEN PETITIONS

### ITEM 28

**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.

**28. 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](mailto:blane@scottsdaleaz.gov)

## MAYOR AND COUNCIL

### ITEMS 28A-29

**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. 28A was added to the agenda on September 14, 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 agendaize 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.

**\*\*\*28A. [Food Waste Diversion Discussion and Possible Action at Future Council Meeting](#)**

**Request:** At the request of Councilwoman Janik, direct the City Manager to agendaize an item for discussion and possible direction at a future meeting regarding potentially requiring all city-owned public venues to divert their food waste from the landfill.

**Note: The only possible Council action to be taken on Item No. 28A is: (1) Direct the City Manager to agendaize 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 agendaize the item for a future meeting. Councilmember 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.**

**29. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for October 10, 2023 and October 24, 2023)**

**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.

- Airport Advisory Commission (two vacancies) – **Councilwoman Caputi nominated April Beauboeuf and Peter Mier; Councilwoman Janik nominated Ken Weingarten; Vice Mayor Littlefield nominated Christan Lambert; Mayor Ortega nominated Domenic Sarnataro; Councilmember Durham nominated Fred Atarian; and Councilmember Graham nominated Sabrina Haverty.**
- Building Advisory Board of Appeals (one vacancy) – **Councilmember Graham nominated Randall Lukas and Councilwoman Whitehead nominated Doug Arvanites.**
- Citizens’ Bond Oversight Committee (three vacancies) – **Councilmember Durham nominated Brian Coughlan, Austin Fairbanks, and Ben Hur; Councilwoman Whitehead**

**nominated Rudy Fischer and Darryl Komesu; Councilwoman Janik nominated Tami Smith; and Councilwoman Caputi nominated Robert Rogers.**

- **Human Relations Commission (two vacancies) – Councilwoman Whitehead nominated Ashley Adams and Robin Reed; Mayor Ortega nominated Kris Cano; Vice Mayor Littlefield nominated Shiry Sapir; Councilmember Graham nominated Albert Monillas; and Councilmember Durham nominated Veronica Aguilar.**
- **Judicial Appointments Advisory Board (two citizen member vacancies) – No applications were submitted.**
- **Library Board (one vacancy) – Mayor Ortega nominated Sam Campana; Councilmember Graham nominated Carrie Cox; and Vice Mayor Littlefield nominated Jan Dubauskas.**
- **Loss Trust Fund Board (one vacancy) – Councilwoman Janik nominated Brian Pittluck.**
- **Neighborhood Advisory Commission (two vacancies) – Councilwoman Janik nominated Bob Dahms and Craig Handzlik; Councilwoman Caputi nominated Lee Cooley and Michele Rusinko; Councilmember Graham nominated Sheri Lopez and Kristine Rodriguez; and Vice Mayor Littlefield nominated George Spatola.**
- **Paths and Trails Subcommittee (one vacancy) – Councilwoman Caputi nominated Bradley Adame.**
- **Planning Commission (three vacancies) – Councilmember Graham nominated Jon Griffin and Michal Ann Joyner; Councilmember Durham nominated George Ertel, William Scarbrough, and Joe Young; Mayor Ortega nominated Pamela Iacovo and David Pierce; and Councilwoman Janik nominated Doug Craig.**
- **Transportation Commission (one vacancy) – Councilmember Durham nominated Denise Doctor; Councilwoman Whitehead nominated Mailen Pankiewicz; and Mayor Ortega nominated Robert Marmon.**

**Note: The only Council action to be taken on Item No. 29 is to select nominees for appointment consideration at a future Council meeting.**

**Adjournment – 10:15 P.M.**

**– Mayor Ortega 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.**