

SCOTTSDALE

CITY COUNCIL MEETING

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

[REWORDED ITEM NOS. 19 AND 20]



COUNCIL

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

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Tuesday, October 10, 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 (October 24, 2023).

In-person spoken public comment is being accepted on Items 1 through 20. 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 – 5:21 P.M.

Roll Call – All present (Councilmember 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 – Councilwoman Caputi

Mayor's Report

– Mayor Ortega asked for a pause in silence reflection for the people of Ukraine, as they fight for sovereignty, survival, and democracy.

– Mayor Ortega asked to join him in silent reflection for the people of Israel who have been targeted by cowardly acts of terrorism.

– Mayor Ortega read a proclamation for one of Scottsdale's early founders, Paul Messinger, proclaiming him Scottsdale Historian Emeritus.

City Manager's Report – City Manager Jim Thompson introduced a "Fast Five" video produced by the City's Communications Office which provided updates on several City events and offerings.

- **Fast Five Video Update**

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

Presentations/Information Updates – Scottsdale Arts President and Chief Executive Officer Gerd Wuestemann gave a PowerPoint presentation.

- **Scottsdale Arts Update**

Presenter(s): Gerd Wuestemann, President and Chief Executive Officer

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 – Dan Ishac thanked the councilmembers for approving the bridge housing, approving funds for the Paiute Center, and expressed concern for housing being connected to the Center and the cost. Lee Kaufheil discussed homelessness and appreciation for all the work and attention that this issue has been getting from the city.

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 September 5, 2023:

- a. [Special Meeting Minutes of September 5, 2023](#)
- b. Executive Session Minutes of September 5, 2023
- c. [Regular Meeting and Work Study Session Minutes of September 5, 2023](#)

– Councilwoman Janik made a motion to approve the Special Meeting Minutes of September 5, 2023; Executive Session Minutes of September 5, 2023; and Regular Meeting and Work Study Session Minutes of September 5, 2023. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

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 Janik requested additional information on Item 15 [Congestion Mitigation and Air Quality Improvement Grant].

– Mayor Ortega made a motion to approve Consent Agenda Items 1 - 18. Councilwoman Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

1. [Caesars Republic Scottsdale Liquor License \(53-LL-2023\) – Approved on Consent.](#)
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for a new location and owner.
Location: 4747 N. Goldwater Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Andara Senior Living Liquor License \(54-LL-2023\) – 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: 11415 N. 114th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Mama Por Dios Liquor License \(55-LL-2023\) – Approved on Consent.](#)
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 7301 E. Butherus Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **[Chaco Flaco Drinks, LLC Liquor License \(56-LL-2023\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesaler) State liquor license for an existing location with a new owner.
Location: 15679 N. 83rd Way, Suite D8
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
5. **[EVO North Liquor License \(57-LL-2023\)](#) – **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: 15507 N. Scottsdale Road, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
6. **[Permanent Extension of Premises for VFW Post 3513 \(6-EX-2023\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor License and Control for a permanent extension of premises for a Series 14 (private club) State liquor license for an existing location to expand a patio.
Location: 7220 E. Wilshire Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
7. **[Permanent Extension of Premises for Goodwood Tavern \(7-EX-2023\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor License and Control for a permanent extension of premises for a Series 6 (bar) State liquor license for an existing location to expand a rooftop patio.
Location: 7330 E. Stetson Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
8. **[McDowell Mountain Manor Abandonment \(1-AB-2021\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12822** authorizing the abandonment of roadway portions of the Public Utility and Roadway Easements as follows: 20 feet located along the northern (E. Ranch Gate Road), 15 feet located along the eastern (N. 128th Street), and 15 feet located along the western (N. 126th Street alignment) boundaries of Parcel No. 217-01-025A with Single-Family Residential District, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: 12651 E. Happy Valley Road
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov**
9. **[Sereno Canyon – McDowell Mountain Manor Replat \(16-PP-2017#27\)](#) – **Approved on Consent.**
Request: Approve the request by owner for approval of a final plat to replat the McDowell Mountain Manor plat (1-PP-2021), 32-lot residential subdivision with Amended Development Standards on a ±40-acre site with Single Family Residential District, Environmentally Sensitive Lands (R1-43/ESL) zoning into the Sereno Canyon resort community.
Location: 12651 E. Happy Valley Road
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov**
10. **[Meridian Art Lofts Rezoning \(17-ZN-2020\)](#) – **Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4608** approving a zoning district map amendment from Highway Commercial, Downtown Overlay (C-3 DO) district to Downtown/Downtown Multiple Use – Type 3, Planned Block Development, Downtown Overlay (D/DMU-3 PBD DO) district with a development plan and amended standards for a 16-unit residential development on a ±0.48-acre site.**

2. Adopt **Resolution No. 12899** declaring the document titled “*Meridian Art Lofts Development Plan*” to be a public record.

Location: 3600 N. Bishop Lane

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

11. **Water Campus Administration Building Design-Build Manager Preconstruction Phase Contract – Approved on Consent.**

Request: Adopt **Resolution No. 12922** authorizing Design-Build Manager Preconstruction Phase Contract No. 2023-004-COS-A1, the first amendment to the contract with Willmeng Construction, Inc., in an amount not to exceed \$3,030,702, to provide complete design services for the Scottsdale Water Campus Administration Building Expansion and New Lab Project.

Location: 8787 E. Hualapai Drive

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

12. **Airport Engineering Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 12920** authorizing Contract No. 2023-163-COS with Mead & Hunt, Inc., in an amount not to exceed \$1,000,000 per fiscal year for the initial three-year period of the contract, for airport engineering services at the Scottsdale Airport.

Location: 15000 N. Airport Drive

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

13. **Scottsdale Airport Taxiway A4 Rehabilitation Project Construction Bid – Approved on Consent.**

Request: Adopt **Resolution No. 12921** to authorize Construction Bid Award No. IFB-052023-091 with J. Banicki Construction, Inc., in the amount of \$501,745.50, for construction services in connection with the Airport Taxiway A4 Rehabilitation project.

Location: 15000 N. Airport Drive

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

14. **Airport Lease Agreement Amendment – Approved on Consent.**

Request: Adopt **Resolution No. 12923** authorizing Lease Agreement No. 2018-193-COS-A2, the second amended and restated lease agreement with Jet Aviation Scottsdale, LLC, for the lease of space for fixed base operations and other purposes at the Scottsdale Airport.

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

15. **Congestion Mitigation and Air Quality Improvement Grant – Approved on Consent.**

Request: Adopt **Resolution No. 12929** to authorize:

1. Acceptance of a congestion mitigation and air quality improvement grant award from the U.S. Department of Transportation Federal Highway Administration in the amount of \$4,887,737.
2. A Fiscal Year 2023/24 Capital Grant Budget Appropriation Transfer, of up to \$2,360,497, from the Capital Improvement Program (CIP) Contingency for Future Grants and the CIP Transportation Fund Contingency to the Intelligent Transportation System Infrastructure and Network Improvements (TH05) capital project.
3. The City Manager, or designee, to execute a grant agreement and any other documents and to take such other actions as necessary to carry out the intent of this Resolution.

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

– **Transportation Planning Manager Nathan Domme gave a PowerPoint presentation.**

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

– Greg Blaire, Scottsdale resident, expressed concerns related to data collection, protection, privacy, and civil rights.

– Mayor Ortega closed public comment on this item.

16. Pima Road Redevelopment and Expansion and Granite Reef Watershed Improvements Flood Control Project Agreement – Approved on Consent.

Request: Adopt **Resolution No. 12944** to authorize:

1. Intergovernmental Agreement (IGA) No. 2023-148-COS with the Salt River Pima-Maricopa Indian Community for the Pima Road Redevelopment and Expansion and Granite Reef Watershed Improvements Flood Control Project.
2. Upon execution of IGA No. 2023-148-COS, the original IGA (Agreement No. 2009-148-COS) and any amendments thereto shall be deemed superseded and of no further force and effect.
3. The City Manager, or designee, to execute any other documents and to 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

17. Deoxyribonucleic Acid (DNA) Backlog Reduction Grant – Approved on Consent.

Request: Adopt **Resolution No. 12947** to authorize:

1. Acceptance of a grant from the U.S. Department of Justice, in the amount of \$250,000, for DNA backlog reduction.
2. The Police Chief, or designee, in concurrence with the City Attorney, 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 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

18. Water Code Amendment – Approved on Consent.

Request: Adopt **Ordinance No. 4616** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal, Article IV, Sewage Collection, Pretreatment, and Treatment, Division 4, Industrial Users, Pretreatment Requirements, Section 49-161, General Industrial User Requirements, to provide additional authority to the Director to limit the discharge of pollutants, materials, water or wastes into the sewer system.

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

REGULAR AGENDA **ITEMS 19-20**

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

*****19. Harvest of Scottsdale Text Amendment (2-TA-2022)**

Request: Withdrawn from consideration at the request of the applicant.

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

– Mayor Ortega noted that Item 19 [Harvest of Scottsdale Text Amendment] was withdrawn at the request of the applicant.

*****20. [Harvest of Scottsdale Conditional Use Permit \(10-UP-2015#4\)](#)**

Request: At the request of the applicant, continue to a future City Council meeting date.

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

– Mayor Ortega announced that Item 20 [Harvest of Scottsdale Conditional Use Permit] was being continued to a future City Council meeting date per the applicant’s request, which was received by the City Clerk two days prior to the Council meeting. He noted that the continuance request was the first continuance for the case and was granted as a matter of right per the Council’s Rules of Procedure.

Public Comment – None

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CITIZEN PETITIONS

ITEM 21

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.

21. 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

Adjournment – 6:11 P.M.

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