

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

Tuesday, September 10, 2024

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](https://www.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 Regular City Council meeting (September 17, 2024).

In-person spoken public comment is being accepted on Items 1 through 17. 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](https://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).

Pledge of Allegiance – Councilwoman Caputi

Mayor's Report

– Mayor Ortega called attention to the ongoing wars in foreign countries as they fight to protect their democracy and freedom and asked for a moment of silent reflection for these war-torn countries and for the safety of our military personnel.

– Mayor Ortega proclaimed September Ovarian Cancer Awareness Month and presented a proclamation to Rachel Putnam, a survivor and advocate for ovarian cancer awareness.

City Manager's Report

- **Scottsdale Community Services Summer Events and Programs Recap Video**
- **Fast Five Video Update**

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

– City Manager Jim Thompson introduced a recap video of the Scottsdale Community Services Summer Events and Programs which provided updates on several City events and programs that occurred during the last several months. He also introduced a “Fast Five” video produced by the City's Communications Office which provided updates on several City events and offerings.

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 – Lee Kauftheil spoke about sales taxes and property taxes.

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 July 2024:

- a. [Special Meeting Minutes of July 1, 2024](#)
- b. Executive Session Minutes of July 1, 2024
- c. [Regular Meeting and Work Study Session Minutes of July 1, 2024](#)
- d. [Special Meeting Minutes of July 2, 2024](#)
- e. [Regular Meeting Minutes of July 2, 2024](#)

Councilwoman Janik made a motion to approve the Special Meeting Minutes of July 1, 2024; Executive Session Minutes of July 1, 2024; Regular Meeting and Work Study Session Minutes of July 1, 2024; Special Meeting Minutes of July 2, 2024; and the Regular Meeting Minutes of July 2, 2024. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, Littlefield, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-16

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.

– Mayor Ortega opened public comment on the Consent Agenda items.

– Lee Kauftheil, Scottsdale resident, spoke in support of Items 12 through 15 related to public safety grants.

– Mayor Ortega closed public comment on the Consent Agenda items.

– Vice Mayor Graham requested additional information on Item 7 [Thompson Peak Park Dog Park Construction Phase Services Contract] and Item 11 [Fire Department Warehouse Lease Agreement].

– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 16. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, Littlefield, and Whitehead voting in the affirmative.

1. [Mason's Famous Lobster Rolls Liquor License \(44-LL-2024\)](#) – **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: 15257 N. Scottsdale Road, Suite 155

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

2. [Royale India Liquor License \(45-LL-2024\)](#) – **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: 8900 E. Pinnacle Peak Road, Suite E1

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

3. **Home2 Suites North Scottsdale Liquor License (46-LL-2024) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for an existing location with a new owner
Location: 20001 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Saint Urban Liquor License (48-LL-2024) – 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: 8260 N. Hayden Road, Suite A100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Three Beans Café Liquor Licenses (50-LL-2024 and 51-LL-2024) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license and a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 7150 E. 5th Avenue, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Termination of the McDowell & Scottsdale Corridor Single Central Business District – Approved on Consent.**
Request: Adopt **Resolution No. 13232** to authorize:
 1. The repealing of Resolution No. 8356 and terminating the McDowell & Scottsdale Corridor Single Central Business District designation.
 2. The initiation of a General Plan amendment to General Plan 2035 and Southern Scottsdale Character Area Plan to remove all references to the Single Central Business District.
 3. The initiation of a text amendment to the City of Scottsdale Zoning Ordinance (No. 455) for the purposes of updating the Planned Community (P-C) District size requirements.**Staff Contact(s):** Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov
7. **Thompson Peak Park Dog Park Construction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 13201** authorizing Construction Manager at Risk Contract No. 2024-145-COS with Valley Rain Construction Corporation, in an amount not to exceed \$5,686,140.07, to provide construction services for the Bond 2019 Project 42 – Add a Dog Park to Thompson Peak Park.
Location: 19900 N. Hayden Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

– City Engineer Alison Tymkiw gave a presentation on the proposed Thompson Peak Park Dog Park Construction Phase Services Contract.
8. **Sports Field Lighting and Installation Job Order Contract Extension – Approved on Consent.**
Request: Adopt **Resolution No. 13209** authorizing Contract No. 2020-168-COS-A3, the third 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, dworth@scottsdaleaz.gov

9. **Aquifer Storage and Recovery Wells Project Construction Phase Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 13212** authorizing Contract No. 2020-136-COS-A4 with MGC Contractors, Inc., a modification to the Construction Manager at Risk Contract, in an amount not to exceed \$18,121,671.96, for Phase 6, Phase 7, and Phase 8 of the construction phase services to construct the Aquifer Storage and Recovery Wells and related infrastructure at a guaranteed maximum price.

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

10. **Investment Consulting Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 13206** to authorize:

1. Contract No. 2024-146-COS with the Innovest Portfolio Solutions, LLC, for investment consultant services for the City's 457 deferred compensation plan and post-employment health plan.
2. The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the purpose of this Resolution.

Staff Contact(s): Monica Boyd, Human Resources Director, 480-312-2615, mboyd@scottsdaleaz.gov

11. **Fire Department Warehouse Lease Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 13215** to authorize:

1. Lease Agreement No. 2024-149-COS with 84th Street Industrial, LLC, to define the terms and conditions under which the city will lease certain real property for use by the Scottsdale Fire Department.
2. A Fiscal Year 2024/25 General Fund Operating Contingency Transfer, of up to \$431,928, to the Fire Department Operating Budget.
3. The City Manager, or designee, to execute such documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.

Location: 15820 N. 84th Street, Suite 200

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

– Fire Chief Tom Shannon gave a presentation on the proposed Fire Department Warehouse Lease Agreement.

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

Request: Adopt **Resolution No. 13217** to authorize, if awarded:

1. Acceptance of a grant from the Arizona Governor's Office of Highway Safety, in the amount of \$120,000, 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 \$120,000, from the Fiscal Year 2024/25 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

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

Request: Adopt **Resolution No. 13218** to authorize, if awarded:

1. Acceptance of a grant from the Arizona Governor's Office of Highway Safety, in the amount of \$30,000, 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 \$30,000, from the Fiscal Year 2024/25 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

14. Selective Traffic Enforcement Program Grant – Approved on Consent.

Request: Adopt **Resolution No. 13219** 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 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 \$60,000, from the Fiscal Year 2024/25 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

15. Pedestrian and Bicycle Safety Education Grant – Approved on Consent.

Request: Adopt **Resolution No. 13220** to authorize, if awarded:

1. Acceptance of a grant from the Arizona Governor's Office of Highway Safety, in the amount of \$70,000, to reimburse the City for overtime costs related to pedestrian and bicycle 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 \$70,000, from the Fiscal Year 2024/25 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

16. Perfluoroalkyl Substances Settlement Agreement Participation – Approved on Consent.

Request: Adopt **Resolution No. 13210** to authorize:

1. The City's participation in the settlements with Tyco Defendants and BASF Corporation in the United States District Court of South Carolina, *In Re: Aqueous Film-Forming Foams Product Liability Litigation*, MDL 2:18-mn-2873-RMG.
2. The City Attorney to file documentation required to participate in the settlements, including claim forms, with the District Court.
3. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute any other documents and take such other actions as necessary to carry out the purpose of this Resolution.

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

REGULAR AGENDA ITEM 17

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

17. Infrastructure Development Agreement

Request: Adopt **Resolution No. 13193** to authorize:

1. Infrastructure Development Agreement No. 2024-137-COS with Hayden Loop 101 Investors, LLC, for cost reimbursement to design and construct water and sewer projects including portions of Infrastructure Improvement Plan Project IIP-004 and IIP-020.
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: Crossroads East Area, generally between Scottsdale Road and Hayden Road

Presenter(s): Brian Biesemeyer, Water Resources Executive Director and Scott Mars, Water Resources Planning & Engineering Director

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

– Water Resources Assistant Executive Director Kevin Rose gave a PowerPoint presentation on the proposed Infrastructure Development Agreement.

– There was no public comment on this item.

– Councilmember Durham made a motion to adopt Resolution No. 13193. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, Littlefield, and Whitehead voting in the affirmative.

Public Comment – None

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CITIZEN PETITIONS

ITEM 18

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.

18. 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

19. Boards, Commissions, and Task Force Nominations

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.

- Board of Adjustment (one vacancy) – **Councilwoman Caputi nominated Paul Garry and Councilmember Durham nominated Jay Leopold.**
- Building Advisory Board of Appeals (two vacancies) – **Councilwoman Janik nominated Chad Bennett and Michael Kravit and Mayor Ortega nominated Frederick Dettmann.**
- Citizens' Bond Oversight Committee (one vacancy) – **Councilwoman Littlefield nominated April Holland; Councilwoman Whitehead nominated Britta McKee; and Councilmember Durham nominated Scott Sandell.**
- Historic Preservation Commission (one vacancy) – **Mayor Ortega nominated Rose Smith.**
- Human Relations Commission (one vacancy) – **Councilwoman Whitehead nominated Jeannie McKenna and Councilmember Durham nominated James Sommerville.**
- Human Services Advisory Commission (three vacancies) – **Councilmember Durham nominated Lee Cooley, Jeff Jameson, and Neal Shearer and Vice Mayor Graham nominated Ralph da Costa Nunes and Pamela Hallows.**
- Judicial Appointments Advisory Board (two citizen rep vacancies) – **Vice Mayor Graham nominated Aurea Flores and Carol Ann Petren; Councilwoman Caputi nominated Helene Weitzenkorn; and Councilmember Durham nominated Norman Spisak.**
- Loss Trust Fund Board (one vacancy) – **No applications were received.**
- Tourism Development Commission (one industry rep vacancy) – **Councilwoman Caputi nominated Chris Montgomery; Councilwoman Littlefield nominated Joanne Hildt; and Vice Mayor Graham nominated Darian Nguyen.**
- Transportation Commission (two vacancies) – **Councilwoman Janik nominated Kyle Davis and Kerry Wilcoxon and Vice Mayor Graham nominated Darren Wolf.**

Note: The only Council action to be taken on Item No. 19 is to select nominees for appointment consideration at a future Council meeting (appointments scheduled for September 24, 2024).

Adjournment – 5:52 P.M.

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