

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, October 8, 2024

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 Regular City Council meeting (October 22, 2024).

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, October 8, 2024

Page 2 of 6

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 – Councilmember Durham

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 announced the 30th Anniversary of the McDowell Sonoran Preserve and declared October as McDowell Sonoran Preserve Month. The proclamation was presented to McDowell Sonoran Conservancy's Chief Executive Officer Amanda Hoffman-Handy.

City Manager's Report

- **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 “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 – Darien Priolo discussed moving the time of council meetings and his opposition to recycled water for drinking purposes.

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 2024:

- a. [Special Meeting Minutes of September 10, 2024](#)
- b. Executive Session Minutes of September 10, 2024
- c. [Regular Meeting Minutes of September 10, 2024](#)

Councilwoman Janik made a motion to approve the Special Meeting Minutes of September 10, 2024; Executive Session Minutes of September 10, 2024; and Regular Meeting Minutes of September 10, 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 1-14

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 items.

– Vice Mayor Graham and Councilmembers Durham and Janik requested additional information on Item 8 [Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Construction Phase Contract Modification].

– Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 14. 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.

1. [Limonce' Italian Restaurant Pizzeria Liquor License \(53-LL-2024\)](#) – **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: 23335 N. Scottsdale Road, Suite D105
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Filiberto's Mexican Food Liquor License \(54-LL-2024\)](#) – **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 a new location and owner.
Location: 11054 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Cheba Hut Liquor License \(57-LL-2024\)](#) – **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 a new location and owner.
Location: 8740 E. Shea Boulevard, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Cheba Hut Liquor License (58-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 a new location and owner.
Location: 17025 N. Scottsdale Road, Suite 150
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Busan Mart Liquor License (60-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: 8001 E. Roosevelt Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Tail Gunner Liquor License (61-LL-2024) – 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 a new location and owner.
Location: 15465 N. Hayden Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Celebration of Fine Art Conditional Use Permit (5-UP-2024) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 13204** approving a conditional use permit for a seasonal art festival on a ±8 acre site with Planned Community District, Central Business District (P-C C-2) zoning.
Location: Southwest corner of N. Hayden Road and E. Mayo Boulevard
Staff Contact(s): Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov
8. **Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Construction Phase Contract Modification – Approved on Consent.**
Request: Adopt **Resolution No. 13223** authorizing Construction Manager at Risk Contract No. 2023-201-COS-A3 with Achen-Gardner Construction, LLC, in an amount not to exceed \$5,948,834.56, to provide phase four construction phase services for the Gravity Sewer – TPC Golf Course to the North Pumpback Station Project.
Location: South of Bell Road and on the West Side of Pima 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 Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Construction Phase Contract Modification.
9. **Citywide Pavement Marking Treatment Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 13222** to authorize:
 1. The following job order contracts for two years with the option to extend for three additional one-year periods, in an amount not to exceed \$600,000 for the initial two-year term of each contract, for citywide pavement marking treatment services:
 - a. Contract No. 2024-151-COS with Falcon Contracting, Inc.
 - b. Contract No. 2024-152-COS with Hawk Contracting, LLC
 - c. Contract No. 2024-153-COS with Hulxe Construction Services, LLC
 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.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

10. **Maricopa County Securing the Cities Subrecipient Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 13240** to authorize:
 1. Subrecipient Agreement No. 2024-171-COS with Maricopa County accepting grant funds, of up to \$108,472 in United States Department of Homeland Security grant funds through the Securing the Cities Program Implementation Cooperative Agreement, for the purpose of countering weapons of mass destruction.
 2. A Budget Transfer, of up to \$108,472, from the adopted Fiscal Year 2024/25 Future Grants Budget and/or Grant Contingency to a newly created cost center to record the related grant activity.**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

11. **Property and Evidence Storage Grant Agreement Extension – Approved on Consent.**
Request: Adopt **Resolution No. 13249** to authorize:
 1. Grant Agreement No. 2024-047-COS-A1 with the Arizona Department of Public Safety authorizing a six-month extension to the initial grant agreement, in the amount of \$111,000, related to Property and Evidence Storage.
 2. A Budget Transfer, of up to \$111,000, from the adopted Fiscal Year 2024/25 Future Grants Budget and/or Grant Contingency Budget to the established cost center to record the related grant activity.**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

12. **Appointment of Pro Tem Judges for City Court – Approved on Consent.**
Request: Adopt **Resolution No. 13227** authorizing the following appointments of Pro Tem Judges for an initial two-year term for the period of October 8, 2024, through October 7, 2026: Scott Adams, Susie Charbel, Laura Estay Lowery, Patricia George, Nicole Knowlton, Patricia Riggs, and Karen Yakubi.
Staff Contact(s): Marianne Bayardi, Presiding Judge, 480-312-2775, c/o cphelps@scottsdaleaz.gov

13. **Audit Committee Recommendation for the Board of Adjustment Sunset Review – Approved on Consent.**
Request: Accept the Audit Committee’s recommendation and authorize the continuation of the Board of Adjustment.
Staff Contact(s): Lai Cluff, Acting City Auditor, 480-312-7851, lcluff@scottsdaleaz.gov

14. **Audit Committee Recommendation for the Building Advisory Board of Appeals Sunset Review – Approved on Consent.**
Request: Accept the Audit Committee’s recommendation and authorize the continuation of the Building Advisory Board of Appeals.
Staff Contact(s): Lai Cluff, Acting City Auditor, 480-312-7851, lcluff@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 agendaize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

Adjournment – 5:23 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.