

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED ITEM No. 19; ADDED ITEM Nos. 18A AND 18B]

COUNCIL

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Betty Janik

Kathleen S. Littlefield

Linda Milhaven

Solange Whitehead

Thursday, July 1, 2021

The City Hall Kiva Forum (Kiva) is open to the public during City Council meetings at a reduced capacity. Seating in the Kiva will be available on a first come, first served basis. Once capacity has been reached, individuals will be directed to a nearby location to view the televised meeting. The Mayor will announce the names of speakers in advance to give those attending the meeting from the nearby location sufficient time to enter the Kiva and make their comments in person. As seating in the Kiva becomes available, individuals waiting in the nearby location will be asked to come to City Hall.

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to virtually attend, participate telephonically, and listen/view the meeting in progress. 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 a subsequent meeting date (July 2 or August 24, 2021).

In-person or telephonic comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 21). To sign up to speak on these items, please click [here](#).

Scottsdale citizens may also 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 or telephonically on a non-agendized item that is within the Council's jurisdiction, please click [here](#).

Online Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted no later than 90 minutes before the start of the meeting and you must indicate whether you will be addressing the Council in person or telephonically.

Written comments on any of the items on tonight's agenda 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

Thursday, July 1, 2021

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Call to Order – 5:27 P.M.

Roll Call – All present

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Vice Mayor Janik

Mayor’s Report – Mayor Ortega read a proclamation in honor of the Phoenix Suns heading to the National Basketball Association (NBA) Finals for the first time since 1993 and the third time in their history. He proclaimed the month of July 2021 as Phoenix Suns Month.

Mayor Ortega, along with the Scottsdale Fire Department called upon citizens to limit their use of consumer fireworks due to severe dry conditions. Instead, he encouraged everyone to attend a professional fireworks show in the Valley. WestWorld will host the Scottsdale 4th of July celebration from 4:00 p.m. to 9:00 p.m. This is a great family-friendly event featuring food, fun, live entertainment, and the largest 4th of July fireworks in Scottsdale’s history. For more information and to purchase tickets, visit WestWorld’s website at www.westworldaz.com.

Public Comment – None

Public Comment time is reserved for Scottsdale citizens to comment on non-agendized items that are within the Council’s jurisdiction. No official Council action can be taken on these items. 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 [Regular Meeting Minutes of May 18, 2021](#); [Special Meeting Minutes of June 1, 2021](#); Executive Session Minutes of June 1, 2021; [Work Study Session Minutes of June 1, 2021](#); [Regular Meeting Minutes of June 8, 2021](#); and [Special Meeting Minutes of June 8, 2021](#).

– Vice Mayor Janik made a motion to approve the Regular Meeting Minutes of May 18, 2021; Special Meeting Minutes of June 1, 2021; Executive Session Minutes of June 1, 2021; Work Study Session Minutes of June 1, 2021; Regular Meeting Minutes of June 8, 2021; and Special Meeting Minutes of June 8, 2021. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-18B

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 Littlefield made a motion to approve Consent Agenda Items 1 through 18A, with the exception of Item 15, which was moved to the Regular agenda and Item 18B, which was removed at the request of staff. Vice Mayor Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. **Sewer Collection System Rehabilitation Project Construction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12208** authorizing Construction Manager at Risk Contract No. 2021-090-COS with B&F Contracting, Inc., in the amount of \$2,844,639.62, to provide construction phase services for the Sewer Collection System Rehabilitation of 24, 30, & 36-inch Diameter Pipes and Manholes project.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
2. **Citywide Sewer Rehabilitation Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12207** authorizing the following one-year contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide sewer system rehabilitation construction services:
 1. Contract No. 2019-091-COS-A1 with Achen Gardner Construction, LLC.
 2. Contract No. 2019-092-COS-A1 with Insituform Technologies, LLC.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
3. **Consent to Assignment Agreements for McDowell Mountain Golf Club – Approved on Consent.**
Request: Adopt **Resolution No. 12214** authorizing the following consent to assignment agreements pertaining to the McDowell Mountain Golf Club to allow the current licensee, White Buffalo Golf, LLC, to assign all of its rights and interests in the documents and the McDowell Mountain Golf Club to McDowell Mountain Arcis, LLC:
 1. Agreement No. 1996-215-COS-E1, Consent to Assignment of Golf Course Concession Agreement.
 2. Agreement No. 1998-106-COS-E1, Consent to Assignment of Water Service Agreement for WestWorld Golf Course.
 3. Agreement No. 2011-072-COS-E1, Consent to Assignment of Sanctuary Golf Course Improvement Agreement.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov and Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
4. **Miller Road: Pinnacle Peak Road to Happy Valley Road Preconstruction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12218** authorizing Construction Manager at Risk Contract No. 2021-116-COS with Haydon Building Corp., in the amount of \$179,119, to provide preconstruction phase services for the Miller Road: Pinnacle Peak Road to Happy Valley Road project.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
5. **Dynamite Boulevard – Pima Road to 136th Street Turn Bays and Bike Lanes Construction Bid – Approved on Consent.**
Request: Adopt **Resolution No. 12220** authorizing Construction Bid Award No. 21PB018 with Southwest Sawcutting and Milling LLC, doing business as SWB Paving, the lowest responsive bidder, in the amount of \$764,412.11, for the construction of the Dynamite Boulevard – Pima Road to 136th Street Turn Bays and Bike Lanes.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
6. **Paradise and Pacific Railroad Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12167** authorizing:
 1. Agreement No. 2021-060-COS with Paradise and Pacific Railroad to use space in the McCormick-Stillman Railroad Park’s Model Railroad Building to operate an “O” scale model train layout.
 2. The Assistant City Manager overseeing Community Services to take such other actions necessary to carry out the intent of this Resolution.**Staff Contact(s):** Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

7. **Scottsdale Live Steamers Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12168** authorizing:
 1. Agreement No. 2021-061-COS with Scottsdale Live Steamers to use space at the McCormick-Stillman Railroad Park to operate a “1:8” scale model train layout that provides rides to the public.
 2. The Assistant City Manager overseeing Community Services to take such other actions necessary to carry out the intent of this Resolution.**Staff Contact(s):** Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

8. **Sun N Sand Model Railroad Club Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12169** authorizing:
 1. Agreement No. 2021-062-COS with Sun N Sand Model Railroad Club to use space in the McCormick-Stillman Railroad Park’s Model Railroad Building to operate an “N” scale model train layout.
 2. The Assistant City Manager overseeing Community Services to take such other actions necessary to carry out the intent of this Resolution.**Staff Contact(s):** Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

9. **Scottsdale Model Railroad Historical Society Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12170** authorizing:
 1. Agreement No. 2021-063-COS with Scottsdale Model Railroad Historical Society, Inc. to use space in the McCormick-Stillman Railroad Park’s Model Railroad Building to operate an “HO” scale model train layout.
 2. The Assistant City Manager overseeing Community Services to take such other actions necessary to carry out the intent of this Resolution.**Staff Contact(s):** Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

10. **Z Guys Model Railroad Club Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12171** authorizing:
 1. Agreement No. 2021-064-COS with Z Guys Model Railroad Club to use space in the McCormick-Stillman Railroad Park’s Model Railroad Building to operate a “Z” scale model train layout.
 2. The Assistant City Manager overseeing Community Services to take such other actions necessary to carry out the intent of this Resolution.**Staff Contact(s):** Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

11. **Library Assistance Program – Approved on Consent.**
Request: Adopt **Resolution No. 12192** authorizing the Community Services Administrator, or designee, to accept new library materials valued at up to \$531,947 from the Maricopa County Library District for the Library Assistance Program for Fiscal Year 2021/22, as stipulated in Intergovernmental Agreement No. 2018-051-COS.
Staff Contact(s): Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov

12. **Community Action Program Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12205** authorizing:
 1. Agreement No. 2016-092-COS-A7, the seventh amendment to the agreement with the Maricopa County Human Services Department, extending the agreement for another year and providing additional funds for the City’s Community Action Program.
 2. Authorizing the City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov

13. **United States Department of Housing and Urban Development Emergency Housing Vouchers – Approved on Consent.**
Request: Adopt **Resolution No. 12212** authorizing:
1. The award acceptance of the U.S. Department of Housing and Urban Development Emergency Housing Vouchers and funding and \$498,036 in funding.
 2. Memorandum of Understanding No. 2021-091-COS with the Maricopa Regional Continuum of Care.
 3. The Community Assistance Manager to take certain actions furthering this Resolution
 4. A budget transfer in the amount of \$498,036 from the adopted Fiscal Year 2021/22 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.
- Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov
14. **Scottsdale Museum of the West Management Services and Financial Participation Agreements – Approved on Consent.**
Requests:
1. Adopt **Resolution No. 12201** terminating Museum Management Agreement No. 2013-025-COS and authorizing Museum Management Agreement No. 2021-088-COS for management services with the Scottsdale Museum of the West, Inc.
 2. Adopt **Resolution No. 12202** authorizing Financial Participation Agreement No. 2021-089-COS in the amount of \$650,000 for Fiscal Year 2021/22 to be allocated for activities consistent with Museum Management Agreement No. 2021-088-COS.
- Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
15. **Organizational Strategic Plan**
Request: Accept the Organizational Strategic Plan for 2021-2022.
Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov
- Vice Mayor Janik made a motion to change the language under Value Scottsdale’s Unique Lifestyle and Character, bullet point 5, to “Consider pilot to temporarily turn some Old Town streets into more walkable areas to encourage more foot traffic and business activities including focused activities and events”. Councilwoman Whitehead seconded the motion, which carried 5/2, with Vice Mayor Janik and Councilmembers Caputi, Durham, Milhaven, and Whitehead voting in the affirmative and Mayor Ortega and Councilwoman Littlefield dissenting.**
- Mayor Ortega made a motion to approve Item 15, Organizational Strategic Plan, as amended. Councilwoman Whitehead seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Milhaven, and Whitehead voting in the affirmative and Councilwoman Littlefield dissenting.**
16. **Fiscal Year (FY) 2020/21 Operating Budget Adjustments – Approved on Consent.**
Request: Adopt **Resolution No. 12140** authorizing FY 2020/21 operating budget adjustments.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

17. [2021 Water and Wastewater Land Use Assumptions and Water and Wastewater Infrastructure Improvement Plans – Approved on Consent.](#)
Requests:
1. Adopt **Resolution No. 12204** approving the 2021 Water and Wastewater Land Use Assumptions and Water and Wastewater Infrastructure Improvement Plans related to proposed changes to development fees.
2. Adopt notice of intention to modify Water and Wastewater Development fees, effective January 1, 2022, and establishing August 24, 2021, as the date of the public hearing.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
18. [Fiscal Year 2021/22 Water and Sewer Rates and Fees – Approved on Consent.](#)
Request: Adopt **Ordinance No. 4510** amending Scottsdale Revised Code, Chapter 49, Water, Sewer and Sewage Disposal sewer/water reclamation rates and miscellaneous rates and charges, effective July 1, 2021; correcting provisions of Ordinance No. 4498 (Resolution No. 12157) concerning Scottsdale Revised Code Sections 49-50(g) and 49-141(i)(3).
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
- ***18A. [Scottsdale Stadium Wireless License Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 12125** authorizing Wireless Communications Antenna Site Revocable License Agreement No. 2021-042-COS with Cellco Partnership, doing business as Verizon Wireless, permitting the continued operation of a wireless site at Scottsdale Stadium.
Location: 7408 E. Osborn Road
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, daworth@scottsdaleaz.gov
- ***18B. [Investment Grade Energy Audit Contract – Withdrawn at the Request of Staff.](#)
Request: Investment Grade Energy Audit Contract No. 2021-086-COS and Resolution No. 12198 is being withdrawn at the request of staff.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 19-21**

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

- ***19. [District at 9400 Shea Non-Major General Plan Amendment and Rezoning \(6-GP-2019 and 16-ZN-2019\)](#)
Request: At the request of the applicant, continue to the August 24, 2021 City Council meeting.
Staff Contact(s): Randy Grant, Planning and Economic Development Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
– **Councilwoman Whitehead made a motion to continue Item 19, District at 9400 Shea Non-Major Plan Amendment and Rezoning. Councilwoman Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.**
20. [Short-Term Rental Working Group Recommendations](#)
Request: Presentation, discussion, and possible direction to staff regarding the recommendations from the Short-Term Rental Working Group.
Presenter(s): Brent Stockwell, Assistant City Manager
Staff Contact(s): Jim Thompson, City Manager, 480-312-2800, jthompson@scottsdaleaz.gov
– **Vice Mayor Janik and Councilmember Milhaven gave the PowerPoint presentation.**

– Vice Mayor Janik made a motion to direct staff to proceed with implementing the recommendations, bring back a draft ordinance for City Council approval as soon as possible, and provide quarterly updates on progress to the Council and community. Councilmember Milhaven seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

21. [Sewer Line Extension Program Changes](#)

Requests:

1. Adopt **Ordinance No. 4507** amending portions of Scottsdale Revised Code, Chapter 49, Article V, Water and Sewer Extensions and Reimbursement Agreements.
2. Presentation, discussion, and possible direction to staff regarding the rate adoption process for an Aquifer Protection Fee and associated code changes to place a cost cap on residential sewer line extensions.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director

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

– Water Resources Executive Director Brian Biesemeyer gave the PowerPoint presentation.

– Mayor Ortega made a motion to continue Item 21 for more information to be provided after the summer recess. Vice Mayor Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

Public Comment – None

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

CITIZEN PETITIONS

ITEM 22

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.

22. **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 Items

– Councilwoman Whitehead made a motion to direct staff to schedule a work study session to review and possibly update the City Council Code of Ethics for the Mayor, Council, and board and commission members. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

– Councilwoman Whitehead made a motion to direct staff to include a review of the City’s election rules as part of the work study discussion on the Code of Ethics. Councilmember Durham seconded the motion, which carried 4/3, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Durham, and Whitehead voting in the affirmative, and Councilmembers Caputi, Littlefield, and Milhaven dissenting.

– Councilwoman Whitehead made a motion to direct staff to agendize an update in September on the heat island mitigation plan co-written with the Arizona State University (ASU) Walton School of Sustainability and the General Plan 2035 tree canopy goal to see if they are working in conjunction and moving forward. Councilmember Milhaven seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

Adjournment – 7:46 P.M.

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