

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 5, 2021**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:00 P.M. on Tuesday, October 5, 2021.

ROLL CALL

Present: Mayor David D. Ortega; Vice Mayor Tammy Caputi; and Councilmembers Tom Durham, Betty Janik, Kathy Littlefield, Linda Milhaven, and Solange Whitehead

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, City Auditor Sharron Walker, and City Clerk Ben Lane

PLEDGE OF ALLEGIANCE – Councilwoman Janik

MAYOR'S REPORT

Mayor Ortega thanked Councilwoman Janik for her dedicated service as Vice Mayor over the last eight months and welcomed Tammy Caputi as Vice Mayor.

Mayor Ortega read and presented a Proclamation for Scottsdale McDowell Sonoran Preserve Month to McDowell Sonoran Conservancy Chief Executive Officer Justin Owen.

Mayor Ortega announced that the Scottsdale Police Department is asking for assistance to locate a missing 20-year-old autistic male named Najib Monsif. Please call the Scottsdale Police Department non-emergency number (480-312-5000) with any information.

PUBLIC COMMENT – None

PRESENTATIONS/INFORMATION/UPDATES

- **Scottsdale Arts Update**
Presenter(s): Gerd Wuestemann, President and CEO

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

Scottsdale Arts President and Chief Executive Officer Gerd Wuestemann gave a PowerPoint presentation (attached) on Scottsdale Arts activities.

CONSENT AGENDA

- 1. Barrio Cosita Liquor License (48-LL-2021)**
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: 15801 N. Frank Lloyd Wright Boulevard, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 2. The Union Jack Bar Liquor License (61-LL-2021)**
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: 15689 N. Hayden Road, Suite 125
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 3. Hecho A Mano Cigar Lounge Liquor License (63-LL-2021)**
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 for an existing location with a new owner.
Location: 34482 N. Scottsdale Road, Suite 130
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 4. Fratelli La Bufala Liquor License (66-LL-2021)**
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: 7300 N. Via Paseo Del Sur, Suite B
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 5. Grain to Glass Distribution, LLC Liquor License (67-LL-2021)**
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 a new location and owner.
Location: 502 N. Hayden Road, Suite 833
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 6. Curaleaf Conditional Use Permit (8-UP-2021)**
Request: At the request of the applicant, continue to the November 16, 2021 City Council meeting.
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov

- 7. WestWorld Sports Complex Multi-Use Sports Fields Construction Phase Services**
Contract Request: Adopt **Resolution No. 12277** authorizing Construction Manager at Risk Contract No. 2021-153-COS with Valley Rain Construction Corporation, in the amount of \$3,426,451.81, to provide phase one construction services for Bond 2019 Project 53 – Build Multi-Use Sports Fields in the Area of Bell Road.
Location: East end of WestWorld adjacent to McDowell Mountain Ranch Road and Thompson Peak Parkway
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- 8. Booster Pump Station 83 A/B Rehabilitation Project Construction Phase Services**
Contract
Request: Adopt **Resolution No. 12288** authorizing Construction Manager at Risk Contract No. 2021-156-COS with MGC Contractors, Inc., in the amount of \$1,270,842.55, to provide phase one construction services for the Booster Pump Station 83 A/B Rehabilitation Project.
Location: Northwest corner of Frank Lloyd Wright Boulevard and 90th Street
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- 9. Airport Perimeter Fencing Improvements Project Construction Bid Award and Fiscal Year (FY) 2021/22 Budget Transfers**
Request: Adopt **Resolution No. 12272** to authorize:

 1. Construction Bid Award No. 21PB021 with Western Fence Co., Inc., the lowest responsive bidder, in the amount of \$479,073.70 for construction services in connection with the airport security fencing improvements project.
 2. A FY 2021/22 budget appropriation transfer in the amount of \$104,039 from the Grants funding source to the Aviation Fund funding source.
 3. A FY 2021/22 Aviation Funds Capital Contingency budget appropriation transfer in the amount of \$229,600 to be funded by Aviation Funds.

Location: 15000 N. Airport Drive
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
- 10. Aviation Business Center Lease Agreement**
Request: Adopt **Resolution No. 12243** authoring Agreement No. 2018-015-COS-A2, the second amendment to the agreement with Volanti Restaurant and Lounge, LLC, for the lease of restaurant and office space in the Scottsdale Airport Aviation Business Center.
Location: 15000 N. Airport Drive
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
- 11. DUI Impaired Driving Enforcement and Education Grant**
Request: Adopt **Resolution No. 12269** to authorize:

 1. Acceptance of, if awarded, a grant from the Arizona Governor's Office of Highway Safety in the amount of \$102,000 to reimburse the City for overtime costs related to DUI impaired driving enforcement and education.
 2. The Chief of Police, or designee(s), 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 \$102,000 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): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

12. Bicycle and Pedestrian Safety Education Grant

Request: Adopt **Resolution No. 12270** to authorize:

1. Acceptance of, if awarded, a grant from the Arizona Governor's Office of Highway Safety in the amount of \$50,000 to reimburse the City for overtime costs related to bicycle and pedestrian safety education and enforcement.
2. The Chief of Police, or designee(s), 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 \$50,000 from the 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): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

13. Selective Traffic Enforcement Program Grant

Request: Adopt **Resolution No. 12271** to authorize:

1. Acceptance of, if awarded, 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 Chief of Police, or designee(s), 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 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): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

14. Human Exploitation and Trafficking Unit Proactive Operations Grant

Request: Adopt **Resolution No. 12294** to authorize:

1. Acceptance of, if awarded, a grant from the Hickey Family Foundation in the amount of \$23,757 to purchase investigative tools and equipment that will assist the Human Exploitation and Trafficking Unit in conducting proactive operations.
2. The Chief of Police, or designee(s), 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 \$23,757 from the 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): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

15. Proposition 202 Grant Funds Acceptance

Request: Adopt **Resolution No. 12268** authorizing Intergovernmental Agreement No. 2021-150-COS with the Fort McDowell Yavapai Nation to accept Proposition 202 Tribal Gaming Funds in the amount of \$10,000.

Staff Contact(s): Shane Stone, Management Associate to the City Manager, 480-312-7826, shstone@scottsdaleaz.gov

- 16. Rassner Memorial Scottsdale Library Endowment Allocation for Fiscal Year (FY) 2021/22**
Request: Adopt **Resolution No. 12249** approving the distribution of \$18,000 in interest income from the Rassner Memorial Scottsdale Library Endowment Fund for FY 2021/22 and authorizing the allocation of funds to recommended activities.
Staff Contact(s): Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov
- 17. Library Board Code Amendment**
Request: Adopt **Ordinance No. 4520** amending Scottsdale Revised Code, Chapter 20, Parks, Recreation and Cultural Affairs, Article II, Section 20-17 relating to the officers and rules and regulations of the Library Board.
Staff Contact(s): Kira Peters, Community Services Administrator, 480-312-2691, kcpeters@scottsdaleaz.gov
- 18. Water, Sewers, and Sewage Disposal Code Amendment**
Request: Adopt **Ordinance No. 4519** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal, Article III, amending Sections 49-75 and 49-82 to adopt new water and wastewater development fees.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
- 19. American Rescue Plan Act Funding**
Request: Adopt **Resolution No. 12292** to authorize:
1. The acceptance of \$29,244,706 from the American Rescue Plan Act (ARPA), Coronavirus Local Fiscal Recovery Fund grant to be allocated in two equal awards of \$14,622,353 planned in Fiscal Year (FY) 2021/22 and FY 2022/23.
 2. The use of such funds for the 'Revenue Loss' category in the Interim Final Rule issued by the Department of the Treasury to implement the Coronavirus Local Fiscal Recovery Fund established under the ARPA for the provision of government services, which the city will apply to Public Safety.
 3. The City Manager, City Treasurer, and their designees to prepare and submit reports regarding use of the funds and to take any other actions necessary to carry out the intent of this Resolution; ratifying the submitted report.
 4. A FY 2021/22 budget transfer in the amount of \$6,095,935 from the General Fund Public Safety – Fire Operating Budget to the General Fund Operating Contingency.
 5. A FY 21/22 budget transfer in the amount of \$8,526,418 from the General Fund Public Safety – Police Operating Budget to the General Fund Operating Contingency.
- Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
- 20. Plaintiffs Virgil Doerfler, Song Hyon and Virgil Doerfler, LLC Settlement Agreement and General Release of All Claims**
Request: Adopt **Resolution No. 12290** authorizing Agreement No. 2021-158-COS with Plaintiffs Virgil Doerfler, Song Hyon and Virgil Doerfler, LLC, in the amount of \$78,000 to settle Plaintiffs' lawsuit against the City and its employees.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 20, except for Item 6 [Curaleaf Conditional Use Permit (8-UP-2021)]. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

MOTION AND VOTE – ITEM 6

Councilwoman Janik made a motion to continue Item 6 [Curaleaf Conditional Use Permit (8-UP-2021)] to the November 16, 2021 Council Meeting agenda. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

REGULAR AGENDA

21. Greenbelt 88 Rezoning (15-ZN-2020)

Request: At the request of the applicant, continue to the November 16, 2021 City Council meeting.

Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov

MOTION AND VOTE – ITEM 21

Councilwoman Whitehead made a motion to continue Item 21 [Greenbelt 88 Rezoning (15-ZN-2020)] to the November 16, 2021 Council Meeting agenda. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

22. 92nd Street Non-Major General Plan Amendment and Rezoning (3-GP-2021 and 6-ZN-2021)

Request: At the request of the applicant, continue to a date to be determined.

Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov

MOTION AND VOTE – ITEM 22

Councilwoman Janik made a motion to continue Item 22 [92nd Street Non-Major General Plan Amendment and Rezoning (3-GP-2021 and 6-ZN-2021)] to a date to be determined in the future. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

PUBLIC COMMENT – None

CITIZEN PETITIONS

23. Receipt of Citizen Petitions

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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS – Councilwoman Janik reported that ballots for the November 2, 2021 Special Election regarding the Scottsdale General Plan 2035 will be delivered this week and encouraged residents to vote.

ADJOURNMENT

MOTION AND VOTE – ADJOURNMENT

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

The Regular City Council Meeting adjourned at 5:29 P.M.

SUBMITTED BY:



Ben Lane, City Clerk

Officially approved by the City Council on November 9, 2021

CERTIFICATE

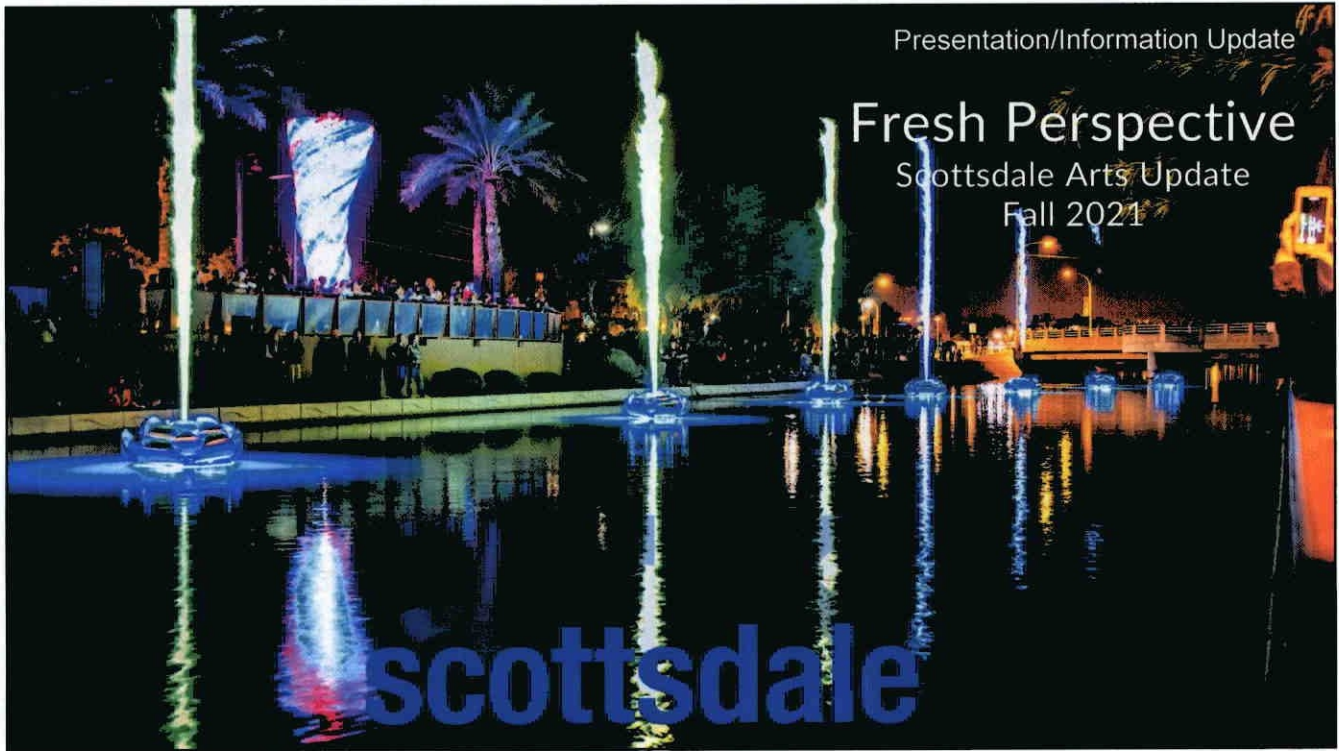
I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 5th day of October 2021.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 9th day of November 2021.



Ben Lane, City Clerk

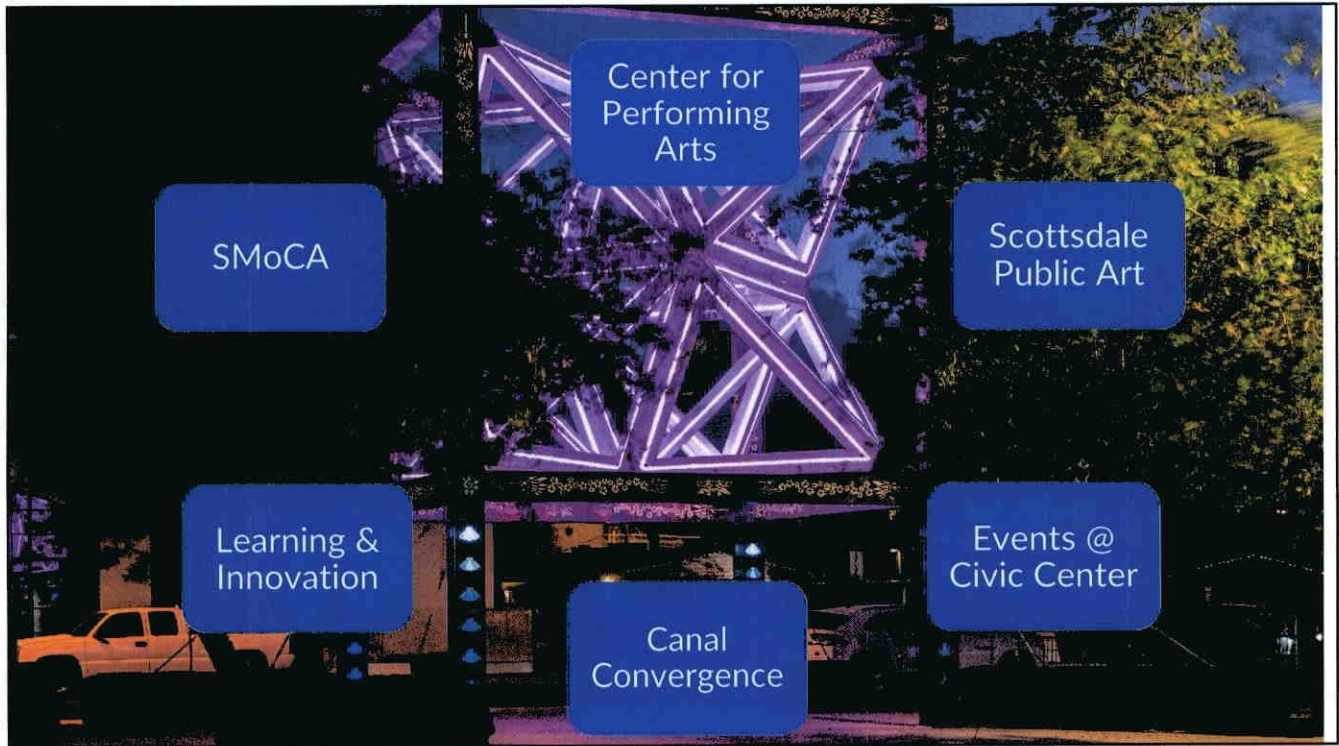


Presentation/Information Update

Fresh Perspective

Scottsdale Arts Update
Fall 2021

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Continuing to Lead

Financially stable, fully staffed, fully operational
Biggest season in our history, diverse offerings for all

3



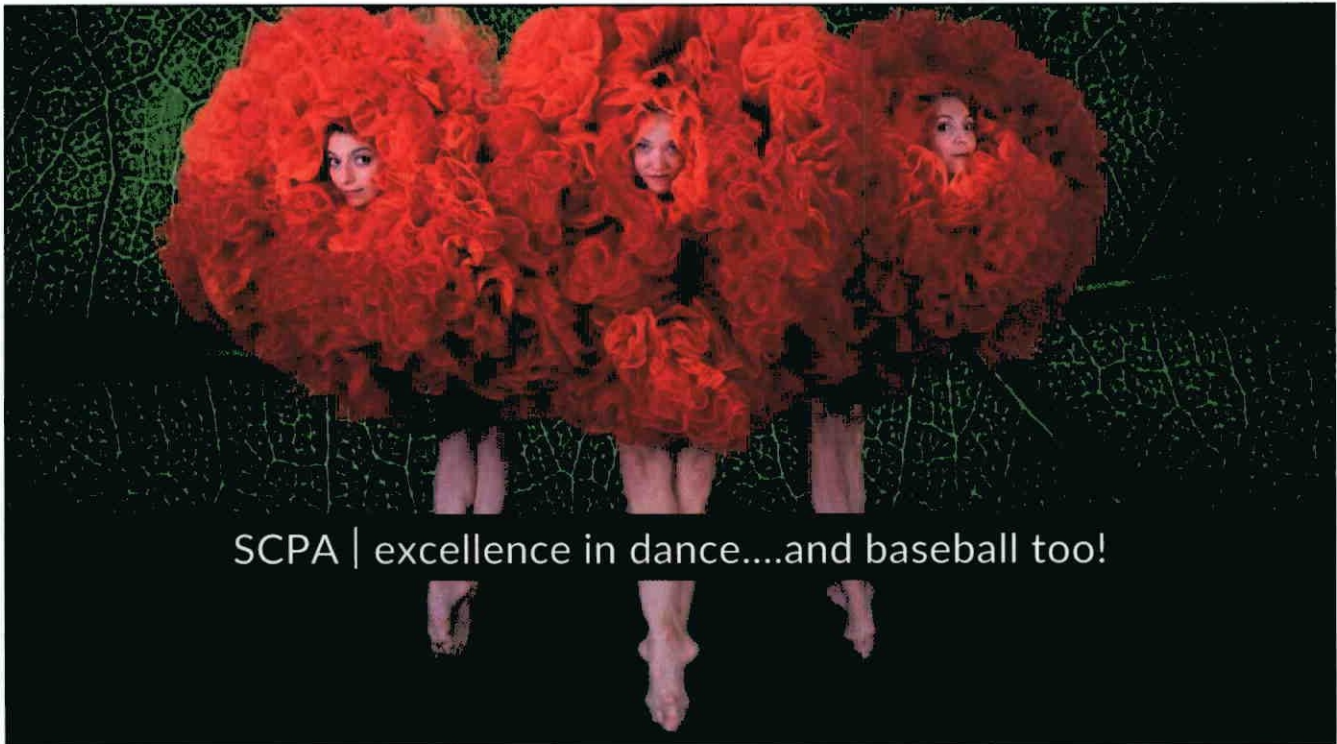
Safety First

New COVID protocols, safest facilities and HVAC
Technology for easy access, specially trained staff

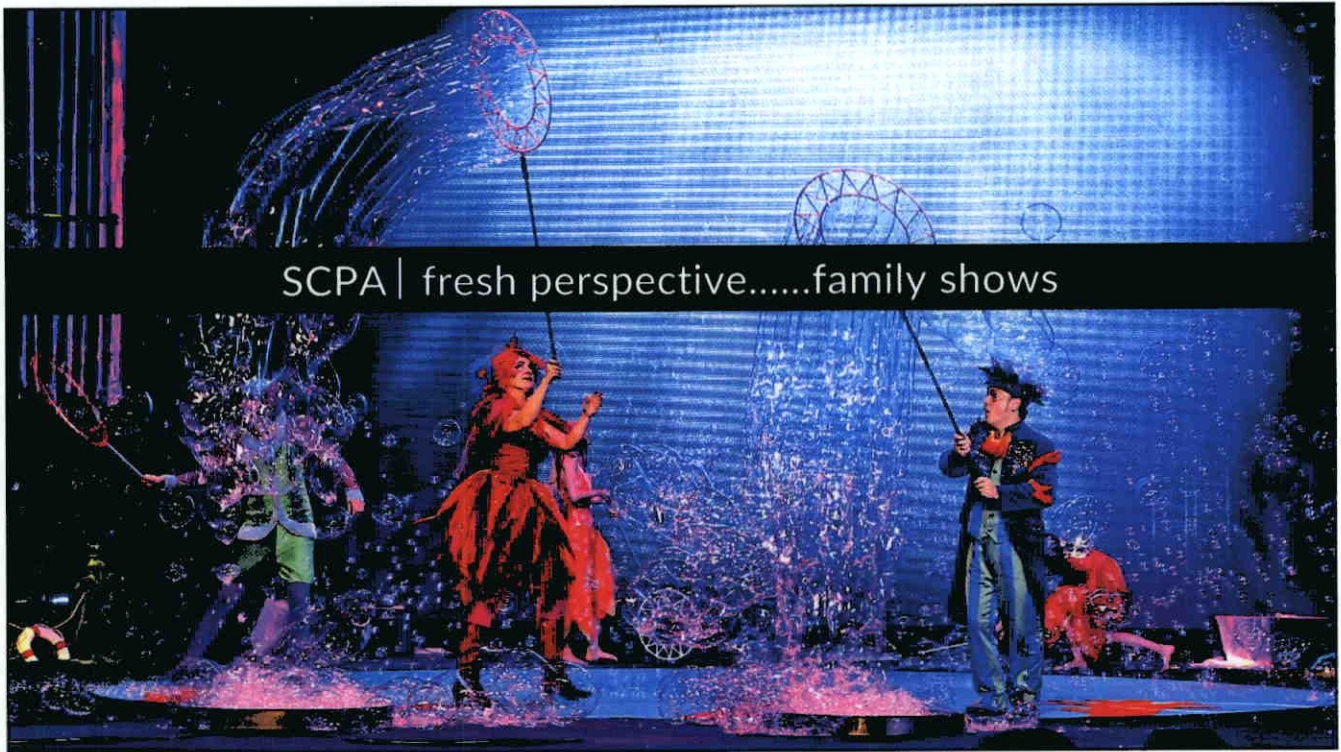
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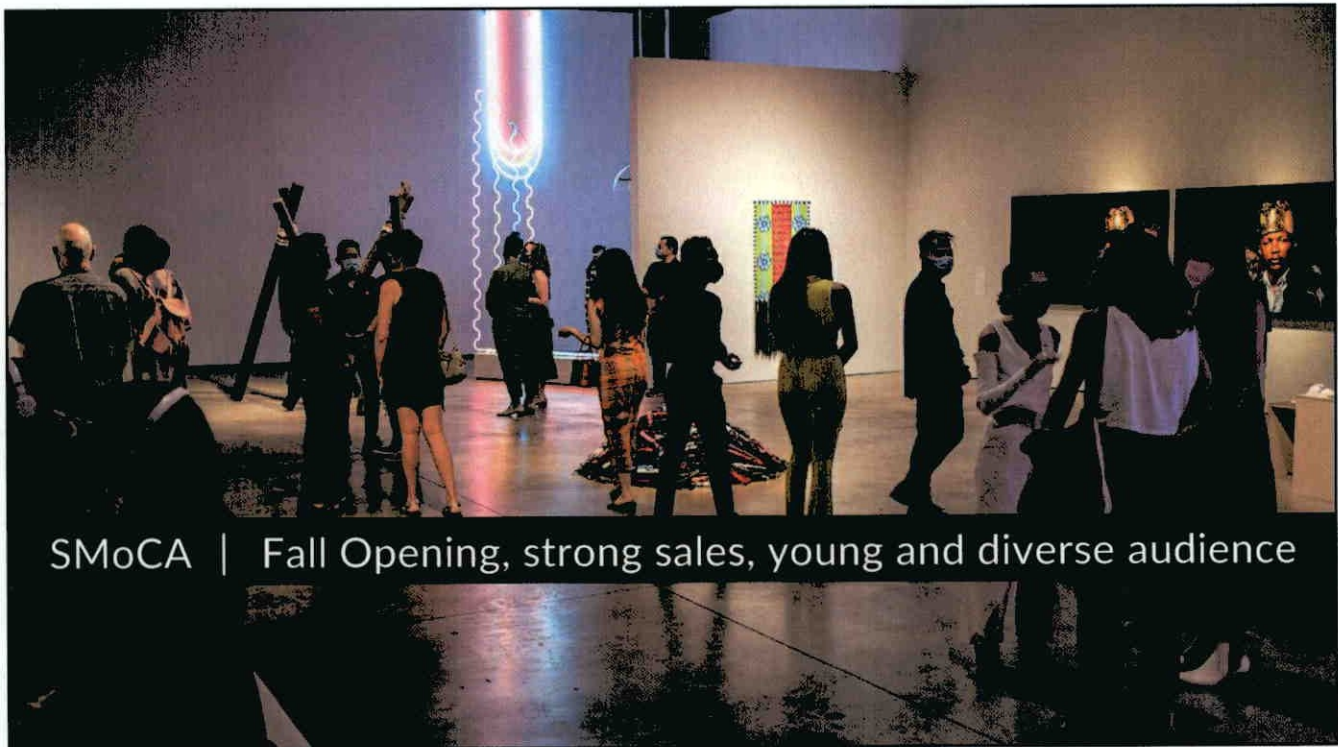


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SCPA | fresh perspective.....family shows

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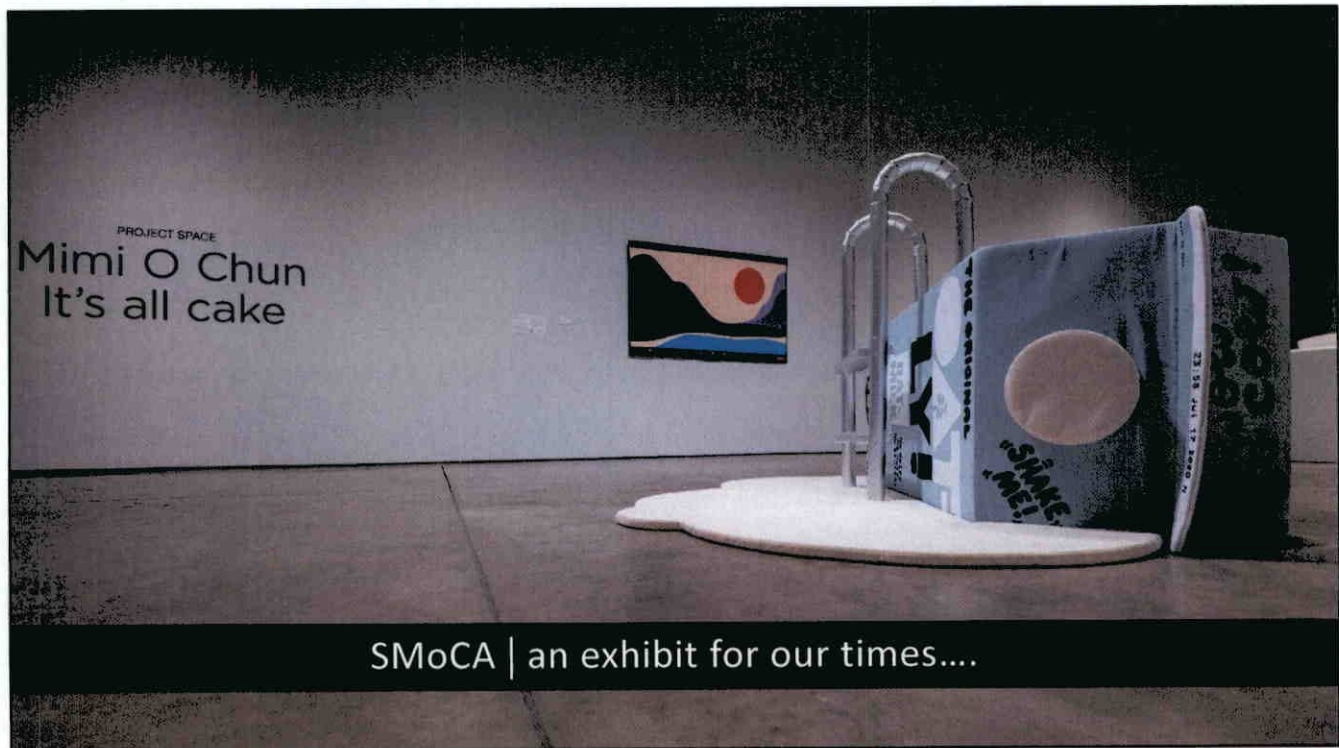


SMoCA | Fall Opening, strong sales, young and diverse audience

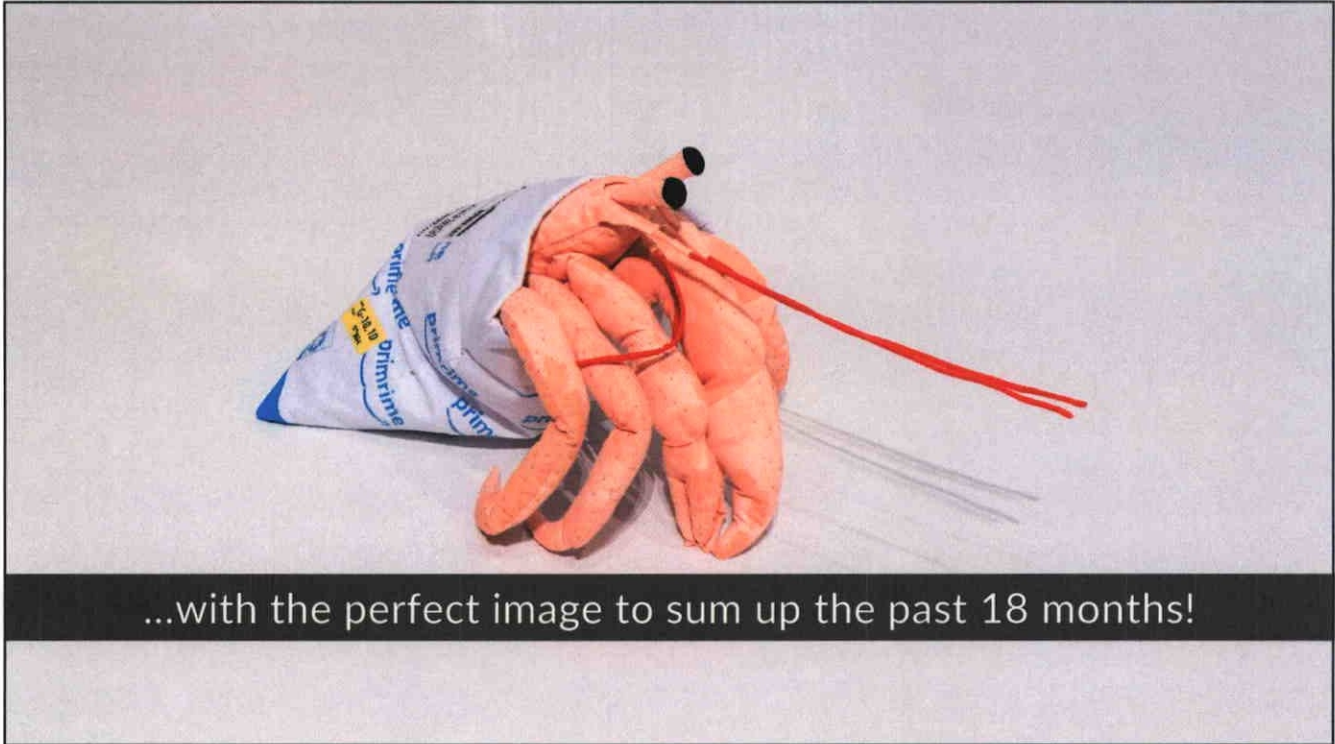
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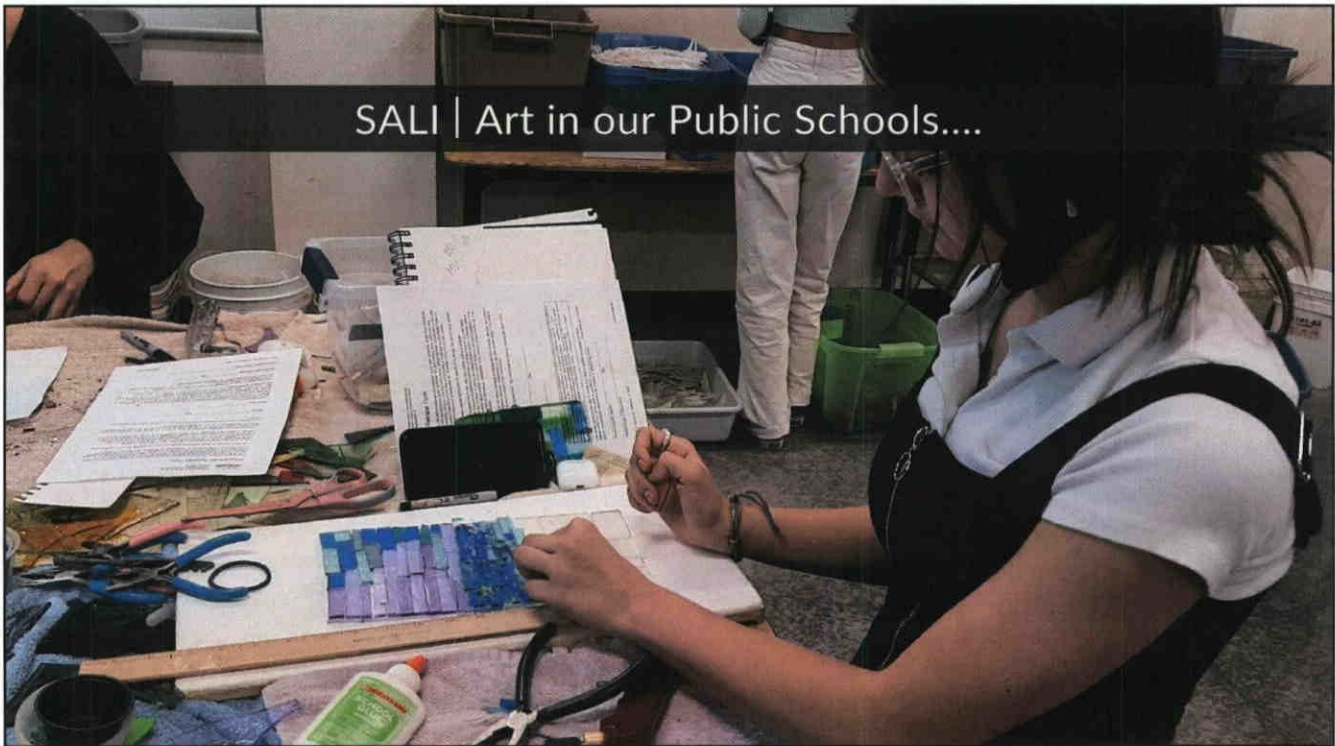
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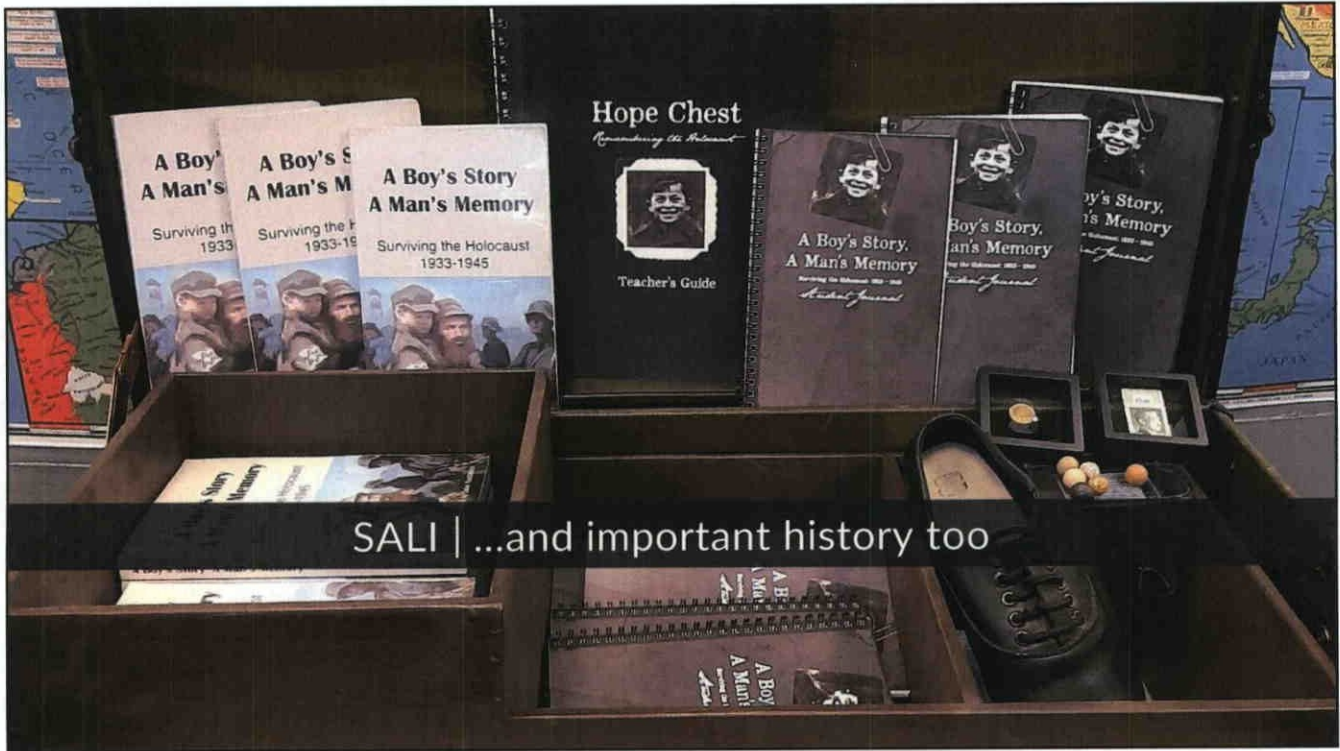
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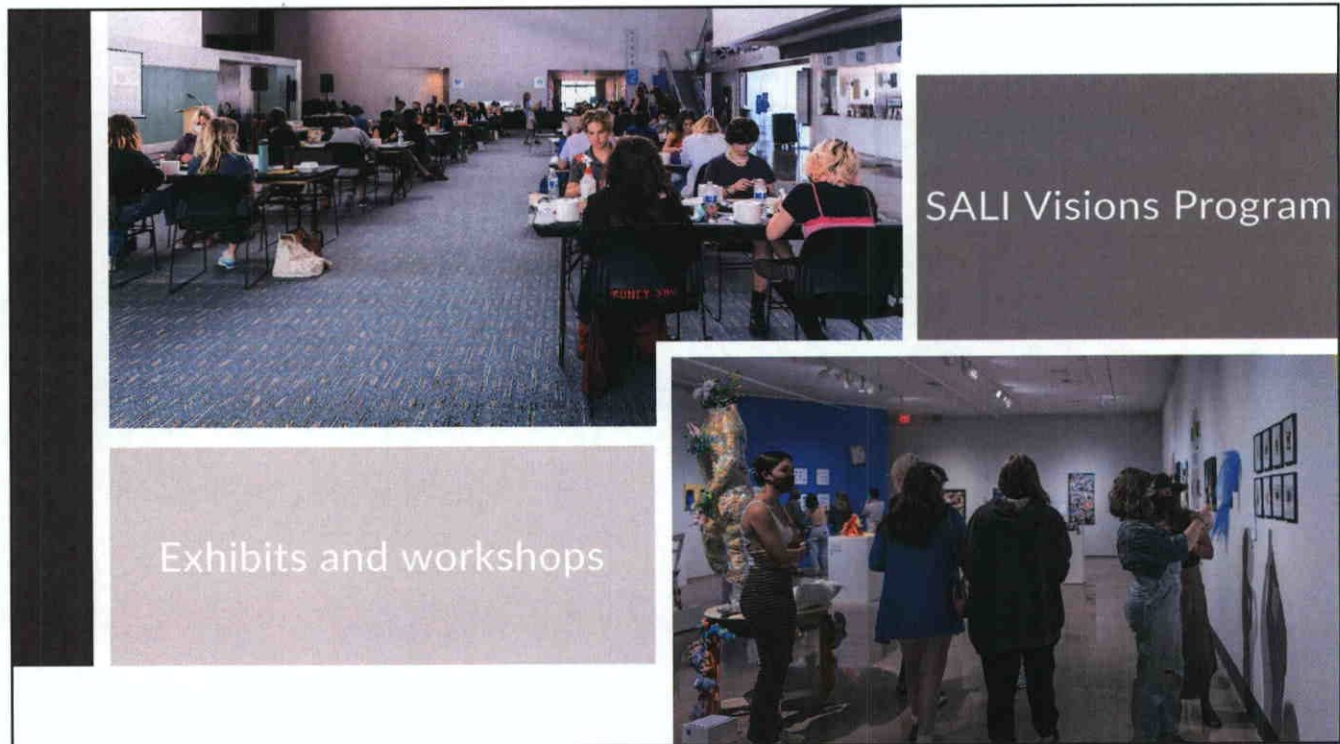
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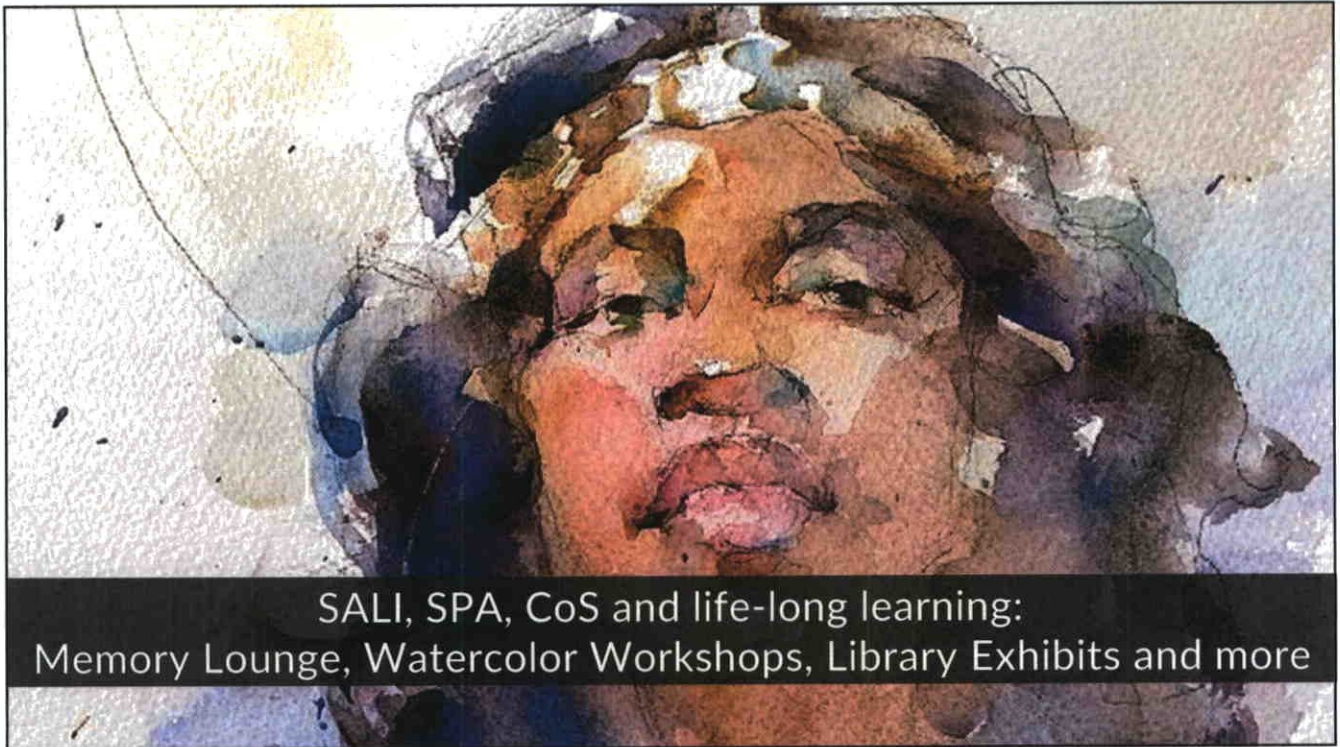
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SPA | Civic Center Renovation: how to move public art treasures...

17



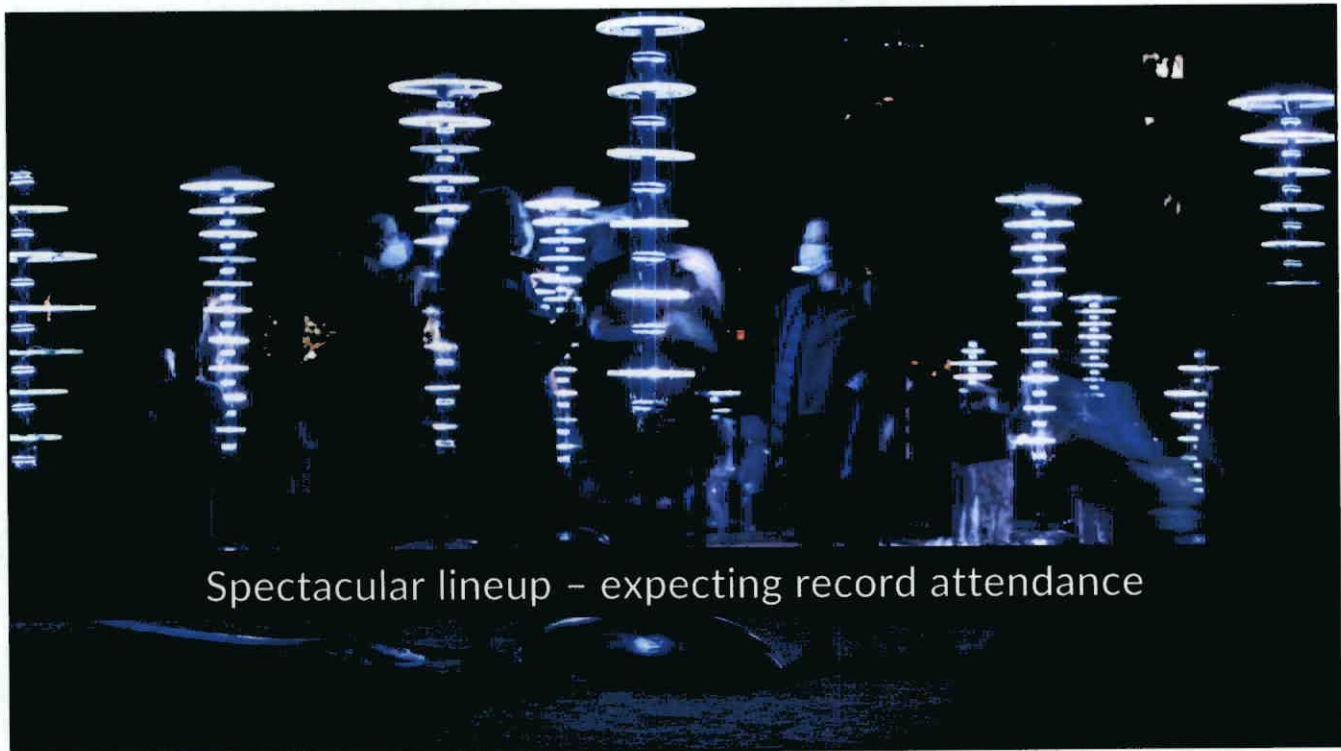
SPA | Civic Center Renovation: Drinkwater Tunnel

18



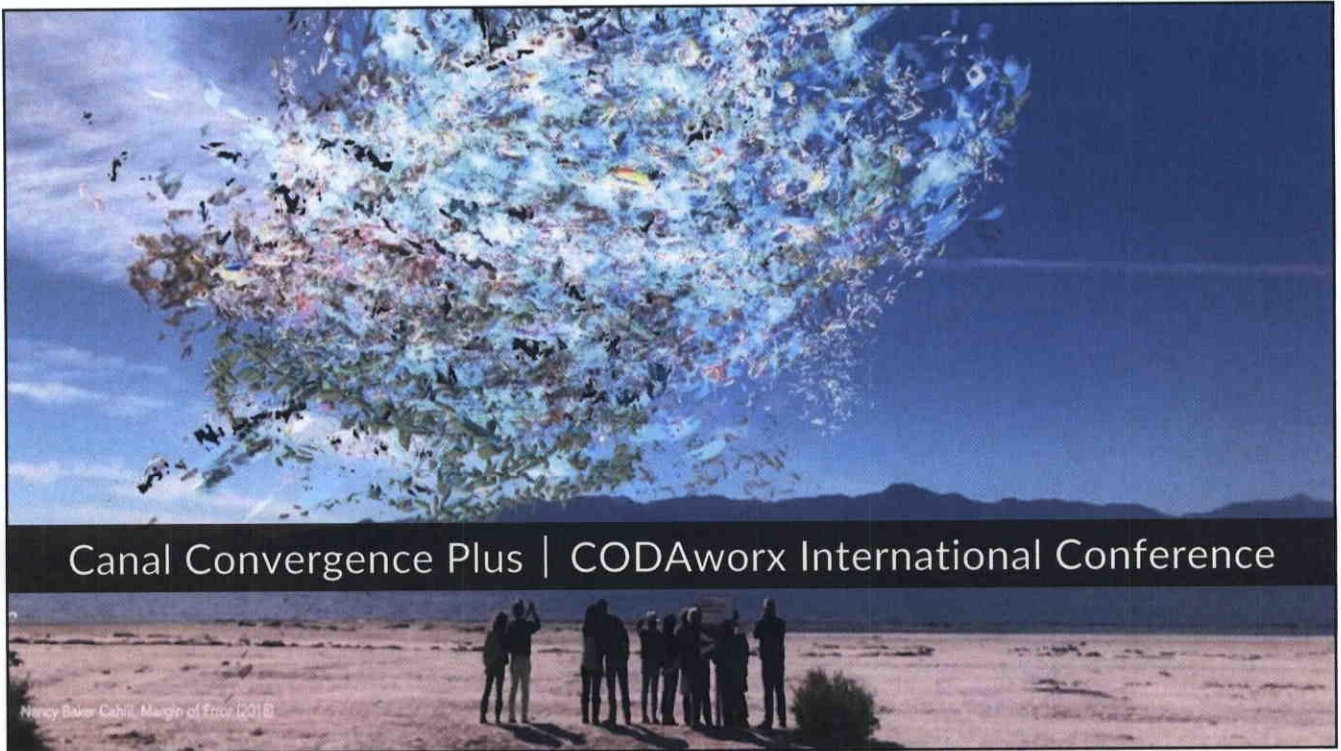
Canal Convergence | November 5 - 14

19



Spectacular lineup – expecting record attendance

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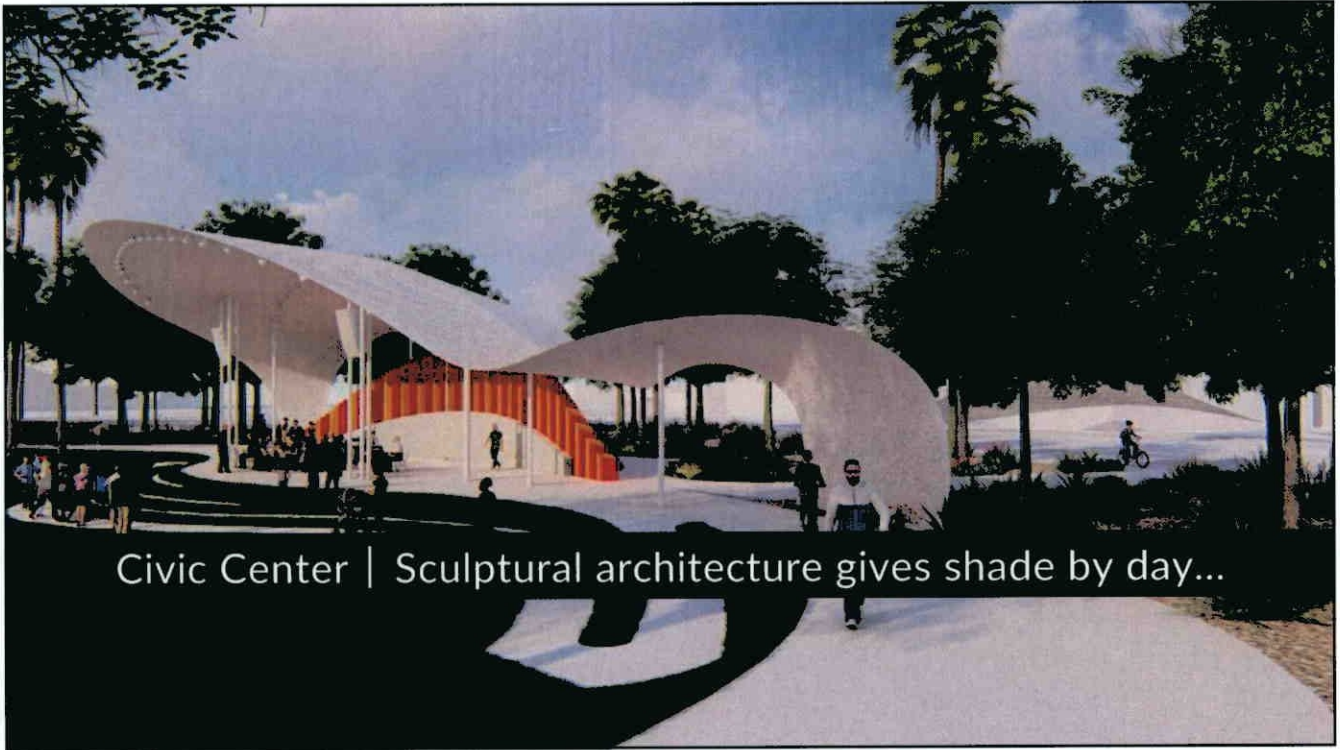
Civic Center | Innovative 360 Pavilion

23

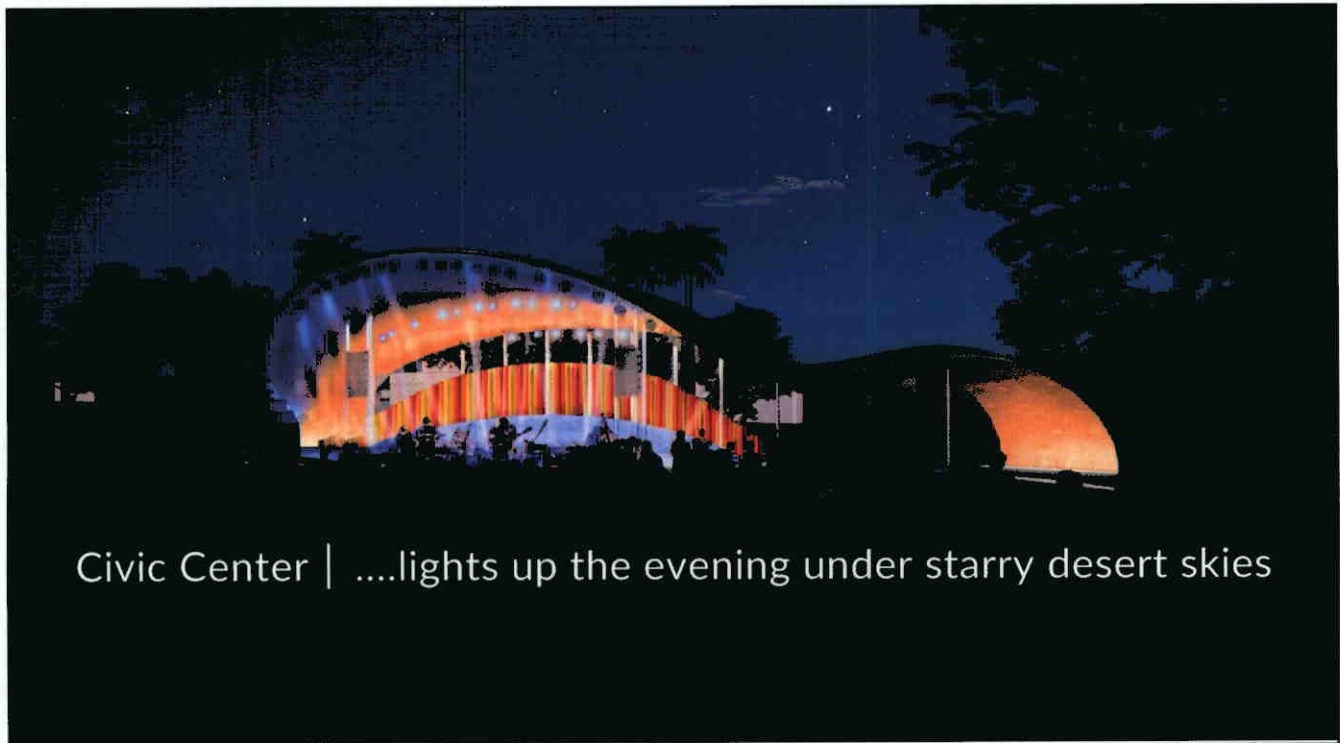


Civic Center | Magnificent East Bowl Pavilion

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