

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[ADDED ITEM No. 9]**

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### **COUNCIL**

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Betty Janik

Kathleen S. Littlefield

Linda Milhaven

Solange Whitehead

**Tuesday, May 4, 2021**

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*Until further notice, City Hall is closed to the public during Council meetings and these meetings are being held electronically. While physical facilities are not open to the public, City Council meetings are televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov) (search "live stream") to allow the public to virtually attend 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 the next scheduled Council meeting (May 18, 2021).*

*Spoken comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 7). 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 (maximum of five speakers). To sign up to speak on a non-agendized item that is within the Council's jurisdiction, please click [here](#). Request to speak forms must be submitted no later than 90 minutes before the start of the meeting. 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](#), or on the "click here to submit a written comment on an item" link located at the top of each page of the agenda.*

**5:00 P.M.**

**MARKED AGENDA**

### **REGULAR CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:00 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 – Councilmember Milhaven**

**Mayor's Report – Mayor Ortega reported that Scottsdale ranked ninth out of the 200 most-populous cities in the United States for working women and where women are most successful. Women in**



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](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

**Scottsdale rank high in median earnings and women-owned businesses, and more than 57% of women aged 25 and older have a bachelor's degree or higher. He noted that his successful City Council colleagues mirror this wonderful ranking.**

### **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. **Five speakers are limited to three minutes to address the Council during "Public Comment."**

## **MINUTES**

**Request:** Approve the [Special Meeting Minutes of April 6, 2021](#); [Regular Meeting Minutes of April 6, 2021](#); [Work Study Session Minutes of April 6, 2021](#); and Executive Session Minutes of April 6, 2021.

**– Vice Mayor Janik made a motion to approve the Special Meeting Minutes of April 6, 2021; Regular Meeting Minutes of April 6, 2021; Work Study Session Minutes of April 6, 2021; and Executive Session Minutes of April 6, 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 1-5**

**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 Caputi made a motion to approve Consent Agenda Items 1 through 5. 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.**

1. [Multi-Use Sports Fields Construction Phase Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 12134** authorizing Construction Manager at Risk Contract No. 2020-200-COS-A2 with Valley Rain Construction Corporation in the amount of \$2,415,665.23 for construction phase 3 services for the Bond 2019 Project 53 – Build Multi-Use Sports Fields in the Area of Bell Road.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
2. [On-Call Mechanical Engineering Services Contracts](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 12136** authorizing the following on-call engineering services contracts for an initial two-year term in an amount not to exceed \$1,500,000 per contract for on-call mechanical engineering services:
  1. Contract No. 2021-047-COS with Energy Systems Design, Inc.
  2. Contract No. 2021-048-COS with LSW Engineers, Arizona, Inc.
  3. Contract No. 2021-049-COS with Pearson Engineering Associates, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
3. [Public Safety Computer Aided Dispatch and Records Management System](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 12137** authorizing Contract No. 2021-050-COS with Mark43, Inc., in the amount of \$2,776,981 for the purchase of a Computer Aided Dispatch and Records Management System for public safety – Bond 2019 Project 7.  
**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, [jwalther@scottsdaleaz.gov](mailto:jwalther@scottsdaleaz.gov)

4. **Offenses—Miscellaneous Code Amendment – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4495** amending Scottsdale Revised Code, Chapter 19, Offenses—Miscellaneous, to add Section 19-23 prohibiting camping at any time in an area subject to flooding or within a watercourse.  
**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, [jwalther@scottsdaleaz.gov](mailto:jwalther@scottsdaleaz.gov)
  
5. **Fiscal Year (FY) 2019/20 Annual Financial Audit Completion – Approved on Consent.**  
**Request:** Accept the Single Audit report and other final components of the FY 2019/20 financial audit reports submitted by the City’s external auditors, Heinfeld, Meech & Co., P.C.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 6-7**

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

6. **Parking Text Amendment (5-TA-2020)**  
**Requests:**
  1. Adopt **Ordinance No. 4500** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455, amending Article IX Parking and Loading Requirements, Sections 9.100. through 9.201., including any applicable sections related to the required parking for hotels, multi-family residential, and office, the in-lieu parking program, downtown overlay, and Article VII General Provisions, Section 7.1200. related to special improvement requirements for public parking.
  2. Adopt **Resolution No. 12141** declaring the document titled “*Parking Text Amendment Legislative Draft*” to be a public record.**Presenter(s):** Bryan Cluff, Principal Planner  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)  
**– Principal Planner Bryan Cluff gave the presentation.**  
  
**– Councilmember Milhaven made a motion to direct staff to research and report back to the Council on parking requirements for hotels and multi-family properties that would include the recognition of differences between downtown and suburban locations, as well as hotels of different formats; if a parking study were to be done, what would be studied and what questions would be answered, including the study’s cost; and staff should meet with Councilmembers to ensure that all concerns of the Council are captured. The motion died for lack of a second.**  
  
**– Councilwoman Littlefield made a motion to adopt Ordinance No. 4500 amending the City of Scottsdale Zoning Ordinance and Resolution No. 12141 declaring the “Parking Text Amendment Legislative Draft” to be a public record, with the following changes to Resolution No. 12141:**
  - 1) In Table 9.103.A., in the section beginning with “Travel accommodations with conference and meeting facilities, or similar facilities”, change the phrase “Exception: No additional parking shall be required for the first 5,000 square feet of associated commercial uses or meeting facilities” to “no additional parking shall be required for the first 1,500 square feet of associated commercial uses or meeting facilities.”
  - 2) In Table 9.103.B., change the requirements for “Dwellings, multi-family” to 1.5 spaces per unit for studio and one-bedroom units and 2.0 spaces per unit for two or more bedrooms, and change guest parking to 1 space for every 5 units.
  - 3) Add the sentence “Required employee parking shall be provided onsite and shall be free” to all references to employee parking.

4) In Sec. 9.104. "Programs and Incentives to Reduce Parking Requirements" - throughout this section, add language to specify that any reductions to parking requirements must be approved by a vote of the City Council.

5) The terms "mixed use" and "employee parking" should be defined.

6) Revise the "Parking waiver within the Downtown Overlay District" section found on page 26 of Resolution No. 12141 to have the waiver related to 2,000 gross square feet of new building with two units remain unchanged instead of being reduced to 500 gross square feet. (This was an accepted friendly amendment by Councilwoman Whitehead).

Vice Mayor Janik seconded the motion. No vote was taken.

– Councilwoman Caputi made an alternate motion to adopt Ordinance No. 4500 with the change that guest parking should be one space for every six units. The motion died for lack of a second.

– Mayor Ortega made an alternate motion to continue the item to May 18, 2021 to have Councilmembers' questions directly answered. Councilmember Milhaven seconded the motion, which carried 4/3, with Mayor Ortega and Councilmembers Durham, Milhaven, and Whitehead voting in the affirmative and Vice Mayor Janik and Councilmembers Caputi and Littlefield dissenting.

7. [Public Hearing on the Community Development Block Grant \(CDBG\) Program Fiscal Year \(FY\) 2021/22 Annual Action Plan and the Allocation of CDBG and HOME Investment Partnership \(HOME\) Funds](#)

**Requests:**

1. Solicit public testimony regarding the FY 2021/22 Annual Action Plan for the use of CDBG funds in the amount of \$1,310,812 and HOME funds in the amount of \$344,448.
2. Adopt **Resolution No. 12080** to approve the FY 2021/22 Annual Action Plan and authorize the:
  - a. City Manager or designee to submit the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD);
  - b. Use, award, and allocation of federal CDBG and HOME funds for eligible programs and services and associated contracts;
  - c. Reprogramming of prior years' remaining funds and the return of program income;
  - d. Approval of an amendment to the City of Scottsdale Roof Repair and Replacement Program Guidelines;
  - e. Execution of associated HUD certifications and contracts; and
  - f. Mayor, City Manager, and Community Assistance Manager to take certain actions furthering this resolution.

**Presenter(s):** Irma Hollamby, Community Assistance Manager

**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, [gbestgen@scottsdaleaz.gov](mailto:gbestgen@scottsdaleaz.gov)

– Mayor Ortega opened the public hearing.

– Community Assistance Manager Irma Hollamby gave the presentation. There were no comments.

– Mayor Ortega closed the public hearing.

– Councilmember Milhaven made a motion to adopt Resolution No. 12080 to approve the Fiscal Year 2021/22 Annual Action Plan as presented. 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.

**8. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for May 18, 2021)**

**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 (two vacancies) – **Councilwoman Caputi nominated Michael Gonzalez and Ryan Wagner; Councilwoman Littlefield nominated Julian Anderson; and Councilmember Durham nominated Thomas Barrett.**

Building Advisory Board of Appeals (three vacancies) – **There were no applications received.**

Environmental Advisory Commission (one vacancy) – **Councilwoman Whitehead nominated Natalie Chrisman Lazarr.**

Historic Preservation Commission (one vacancy) – **Councilmember Milhaven nominated Linda Davis.**

Human Services Commission (two vacancies) – **Mayor Ortega nominated Roger Lurie and Raoul Zubia; Councilwoman Littlefield nominated Diane Lester and Tricia Serlin; and Councilwoman Caputi nominated Paula Sturgeon.**

Library Board (one vacancy) – **Councilwoman Littlefield nominated Janet Smigielski.**

Loss Trust Fund Board (one vacancy) – **Vice Mayor Janik nominated Linda Wannie.**

McDowell Sonoran Preserve Commission (two vacancies) – **Councilmember Durham nominated Kerry Olsson and Todd Shaffer; Councilwoman Caputi nominated Robert Fishman; and Councilmember Milhaven nominated Robert Borsch and Jeffrey Smith.**

Neighborhood Advisory Commission (one vacancy) – **Councilwoman Caputi nominated Ragan Grossman; Councilwoman Whitehead nominated Bridget Schwartz-Manock; and Mayor Ortega nominated Dawn Abel.**

Parks and Recreation Commission (one vacancy) – **Councilwoman Whitehead nominated Teresa Kim Quale and Mayor Ortega nominated Steve Masear.**

Planning Commission (two vacancies) – **Councilmember Milhaven nominated Mark Edelman and Daniel Lupien; Mayor Ortega nominated Barney Gonzales and Joshua Rush; Councilwoman Littlefield nominated Christian Serena and Anthony Leavy; Vice Mayor Janik nominated Patricia O’Neil; Councilmember Durham nominated David Brotman; and Councilwoman Caputi nominated Kevin Maxwell.**

**Note: The only Council action to be taken on Item No. 8 is to select nominees for appointment consideration at a future Council meeting.**

**\*\*\*9. [Old Town Character Area Plan](#)**

**Request:** At the request of Mayor Ortega, direct staff to model the density in the Old Town Character Area and bring forward a future agenda item to:

1. Provide the City Council with a Work Study session to review and discuss the Old Town Character Area Plan (OTCAP) with a focus on the OTCAP’s various types of height and density, land uses, buffering, traffic, and infrastructure in Old Town; and
2. Consider whether the Council should initiate an amendment to revise and update the Old Town Character Area Plan.

**– Mayor Ortega made a motion to request a Study Session to review and discuss the Old Town Character Area Plan with focus on various types of height and density, land uses, buffering, traffic, and infrastructure and consider whether the Council should initiate an amendment to revise and update the Old Town Character Area Plan. Councilwoman Whitehead seconded the motion, which carried 5/2, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Durham, Littlefield, and Whitehead voting in the affirmative and Councilmembers Caputi and Milhaven dissenting.**

Tuesday, May 4, 2021

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Adjourn the City Council Regular Meeting and Convene the City Council Work Study Session – 7:40 P.M.

## CITY COUNCIL WORK STUDY SESSION

– City Council Work Study Session called to order at 7:57 p.m.

– Roll Call – All present

**Work Study Sessions:** Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

**Public Comment:** To provide an opportunity for public input yet continue to maximize the amount of time available for the Council to have focused discussions, spoken comment (maximum of five speakers) is being accepted on the item(s) on tonight’s work study session agenda. To sign up to speak, please click [here](#). **Request to speak forms must be submitted no later than 90 minutes before the start of the meeting.**

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [here](#). 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.

1. [Draft General Plan 2035 Update \(1-GP-2021\)](#)

**Request:** Presentation, discussion, and possible direction to staff regarding the Draft General Plan 2035.

**Presenter(s):** Erin Perreault, Planning and Development Area Director

**Staff Contact:** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

– Planning and Development Area Director Erin Perreault gave the presentation.

– There was Council consensus to:

- On pages 50-60, Land Use Element, remove Desert Rural Neighborhoods land use category and delete all references to this land use.
- On page 50, Land Use Element, Rural Neighborhoods, revise wording to include reference to larger lots and horse properties.
- On pages 46, 58, 76, 77, 80, 87, 123, 155, 170, 175, 178, 183, 189, 211, 212, 213, 214, 256, and 264, make grammatical and wording changes and additions as proposed.
- On page 50, LU 7.1, after the word “Program”, strike words “and encourage the disclosure of the Scottsdale Airport’s location” and insert “Noise contours and other related information must be disclosed to all potential residents and businesses”.
- On page 70, Chapter 2, Sustainability & Environment introduction, second paragraph, third sentence, after the words “Sonoran Desert”, insert the words “while protecting people and property from hazardous conditions.”
- On page 76, Policy OS 4.4, after the words “use of”, strike the words “Natural Area Open Space” and after the words “corridors as”, strike the words “recreation and”.
- Add new climate action goal and policies as follows:
  - Goal EP 8: Plan, prepare and adapt for significant climate impacts on city infrastructure and operations.
  - Policy 8.1: Develop, adopt, and implement climate action and resiliency strategies that address areas of climate mitigation planning such as emissions, drought, energy, transportation, and extreme heat.
  - Policy 8.2: Increase energy efficiency in buildings and vehicle fleets.
  - Policy 8.3: Encourage use of clean, renewable energy resource.
  - Policy 8.4: Employ green building and green infrastructure best practices.

- Policy 8.5: Establish land use and mobility plans that decrease transportation carbon emissions.
- Policy 8.6: Encourage waste reduction and water conservation.
- On page 93, Conservation Element, second paragraph, second sentence, after the word “systems” add the words “maximizing the use of native plants for landscaping”.
- On page 134, under Recreation Element, add the following “Conservation parks are sites that preserve natural, cultural, and historic resources. These areas provide a tranquil setting for experiences in the outdoors.”
- On page 138, Parks and Recreation Facilities Map, update to notate the Preserve and Pinnacle Peak Park as Conservation Parks.
- On page 152, Policy C 1.2, after the word “efficiency”, strike the word “and”, after the word “choice”, insert the words “and adequate parking.”
- On page 218, Policy EDU 1.3, strike the word “Support” and insert the word “Encourage”.
- On page 218, Policy EDU 1.5, move to Healthy Community Element.
- On page 219, Policy EDU 2.8, relocate under Goal EDU 4 (Collaborate with schools, tribal communities, and other public entities for joint use or co-location of recreation facilities, programming, and special events.)
- On page 227, Implementation Chapter, Funding Sources, Exactions, replace with “In the land use and development context, exactions are dedications of land or interests in land or fee payments required by a governmental entity as a condition of development that are proportional to the development’s anticipated impacts upon the public.”
- For Implementation Chapter, Innovation + Prosperity section, add Education Element implementation items.

**Adjournment – 8:26 P.M.**