

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, MAY 4, 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, May 4, 2021.

ROLL CALL

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

Also Present: City Manager Jim Thompson, Deputy City Attorney Joe Padilla, Acting City Treasurer Judy Doyle, City Auditor Sharron Walker, and City Clerk Ben Lane

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 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

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.

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.

MOTION AND VOTE – MINUTES

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

- 1. Multi-Use Sports Fields Construction Phase Services Contract**
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

- 2. On-Call Mechanical Engineering Services Contracts**
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

- 3. Public Safety Computer Aided Dispatch and Records Management System**
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

- 4. Offenses—Miscellaneous Code Amendment**
Request: Adopt **Ordinance No. 4495** amending Scottsdale Revised Code, Chapter 19, Offenses—Miscellaneous, to add Section 19-23 prohibiting camping at anytime in an area subject to flooding or within a watercourse.
Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

- 5. Fiscal Year (FY) 2019/20 Annual Financial Audit Completion**
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

MOTION AND VOTE – CONSENT AGENDA

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.

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

Principal Planner Bryan Cluff gave a PowerPoint presentation (attached) on the proposed parking text amendment.

Mayor Ortega opened public testimony.

The following speakers asked the Council to act now, rather than delay action for a traffic study.

- French Thompson, Scottsdale business owner
- Dr. Sonnie Kirtley, Coalition of Greater Scottsdale
- Bob Pejman, Scottsdale business owner

Mayor Ortega closed public testimony.

MOTION NO. 1 – ITEM 6

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; staff should also research and report on a possible parking study, noting 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.

MOTION NO. 2 – ITEM 6

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.

ALTERNATE MOTION NO. 1 – ITEM 6

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.

ALTERNATE MOTION NO. 2 AND VOTE – ITEM 6

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

Mayor Ortega opened the public hearing.

Community Assistance Manager Irma Hollamby gave a PowerPoint presentation (attached) on the Community Development Block Grant (CDBG) program fiscal year, Fiscal Year 2021 Annual Action Plan and the allocation of CDBG and HOME Investment Partnership (HOME) funds.

There were no public comments.

Mayor Ortega closed the public hearing.

MOTION AND VOTE – ITEM 7

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.

MAYOR AND COUNCIL ITEMS

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 Anthony Leavy and Christian Serena; Vice Mayor Janik nominated Patricia O’Neil; Councilmember Durham nominated David Brotman; and Councilwoman Caputi nominated Kevin Maxwell.

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 David D. Ortega discussed the request and explained a graphic depicting maximum potential building heights in the downtown area (attached).

MOTION AND VOTE – ITEM 9

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.

ADJOURNMENT

The Regular City Council Meeting adjourned at 7:40 P.M.

SUBMITTED BY:



Ben Lane, City Clerk

Officially approved by the City Council on June 22, 2021

C E R T I F I C A T E

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 4th day of May 2021.

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

DATED this 22nd day of June 2021.



Ben Lane, City Clerk

Item 6

Parking Text Amendment

5-TA-2020

**City Council
May 4, 2021**

Coordinator: Bryan Cluff

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Background

- February 11, 2020 City Council Work Study Session
 - Focus on Old Town area but may have some applicability city-wide
 - Citizen Petition

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City Council Direction from Study Session:

- Parking study.
- Review the in-lieu parking program.
- Guest parking for multi-family developments and hotels.
- Employee parking at hotels.
- Strategic partnerships with private sector.
- Ingress of employees into the Downtown area and its impact.
- 2- and 3-hour parking.
- Investigate paid parking component for special events.
- Enhance wayfinding for public parking/rideshare.

3

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Public Outreach / Involvement

- Planning Commission Initiation – October 14, 2020
- Planning Commission Non-Action – March 26, 2021
- Virtual Open House – March 30, 2021
- Virtual Open House – April 1, 2021
- P & Z Link, Case Info Sheet, Interested Parties, Newspaper
- Other Email & Individual Outreach
- Planning Commission Action - April 14, 2021

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Request

Adopt Ord. 4500 approving a text amendment to the Zoning Ordinance to amend Parking Requirements:

1. Travel Accommodations (Hotel)
2. Multi-Family Residential
3. Office (Call Centers)
4. Downtown Overlay Waivers
5. In-Lieu Parking
6. Special Improvement Requirements

6

Fundamental Policies

- Maintaining Free Parking
- Providing options and flexibility for small property owners
- Bring more people to Old Town
- Efficient use of parking and promoting walkability
- Acknowledge parking needs and anticipate future needs
- Acknowledge special circumstances
- Consider revitalization and redevelopment as a potential source of public parking
- Behavior and Enforcement

7

1. Travel Accommodations (Hotels)

- Reduce per room requirement from 1.25 to 1.0.
- Add a performance requirement on parking master plans to address employee parking.
- Clarify requirements associated with conference space and auxiliary commercial uses.
 - Exemption for first 5,000 square feet.

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2. Multi-family Residential

- Add guest parking requirement of 1 space per 8 units, Citywide.
 - Shall be located so they are easily accessed by guests, as determined by the Development Review Board.
- Modify the per unit requirement in the Old Town to match current requirement outside of Old Town.
 - a) 1.25 per studio (existing: 1)
 - b) 1.3 per 1 bed (existing: 1)
 - c) 1.7 per 2 bed (existing: 2)
 - d) 1.9 per 3 bed or more (existing: 2)

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3. Office

- Add a new category for call center (higher demand) type offices with a requirement of 5 per 1000 square feet (1 space per 200 square feet).
- Concerns have been associated with parking management.

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4. Downtown Overlay

- Created in 2003; intended to promote reinvestment.
- Currently allowed: 2,000 square feet and 4 dwelling units.
- Reduced To: 500 square feet, and 1 dwelling unit.

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5. In-Lieu Parking

- Started in 1985 to allow reinvestment on properties that couldn't provide parking on-site.
- Initial cost of a space (\$7,500) was based on cost of providing surface parking.
 - a) Current cost: \$14,075
 - b) Actual cost is closer to \$45,000 (structured)
- Funds collected used for public parking and parking programs.
 - a) 496 in-lieu spaces have been permanently credited since 1985.
 - b) From 1985 through 2019 - \$2.9 Million was generated.
 - c) Approximately 855 spaces have been constructed using in-lieu funds.

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5. In-Lieu Parking

- Eliminate the option to purchase new permanent in-lieu spaces; leasing remains an option.
- Maximum property size of 20,000 square feet.

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6. Special Improvement Requirements

- Only applicable to developments that are constructing public parking as part of a private development.
- Associated with disbursement of bonus funds.
- Currently, only 25% of the cost is credited for above ground structures.
- Provides more credit (100%) for above ground structures that are integrated with a building or include enhanced design.

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Planning Commission Recommendation

Planning Commission April 14, 2021

- Recommended denial except special improvements (5-1)
- Parking Study/Analysis is crucial (PC should be included)
- Scottsdale is unique
- Employee parking needs to be based on peak demand (hotels)
- 2 and 3 bed ratios for MFR does not seem appropriate
- Guest parking is important and must be accessible
- In-lieu cost should be representative of actual cost

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Request

1. Adopt Ordinance No. 4500 amending the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of amending Article IX Parking and Loading Requirements:
 - Travel Accommodations (Hotel)
 - Multi-Family Residential
 - Office (Call Centers)
 - Downtown Overlay Waivers
 - In-Lieu Parking
 - Special Improvement Requirements
2. Adopt Resolution No. 12141 declaring "Parking Text Amendment Legislative Draft" as a public record.

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Parking Text Amendment

5-TA-2020

**City Council
May 4, 2021**

Coordinator: Bryan Cluff

Item 7

**Public Hearing
Community Development Block Grant (CDBG) Program Fiscal
Year (FY) 2001/2022 Annual Action Plan and the Allocation of
CDBG and HOME Investment Partnership (HOME) Funds**

Adopt Resolution No. 12080

City Council Meeting – May 4, 2021

1

Community Development Block Grant (CDBG)

The Community Development Block Grant (CDBG) Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

2

HOME Investment Partnership Program (HOME)

Grant to implement local housing strategies designed to increase homeownership and affordable housing opportunities for low and very low-income Americans.

3

FY 21/22 Annual Action Plan Public Process

- | | |
|-----------------------|--|
| March 11, 2021 | Human Services Commission – Funding discussion & informal funding recommendations |
| March 25, 2021 | Human Services Commission - Formal funding recommendations |
| May 4, 2021 | City Council - Public Hearing |
| May 15, 2021 | Annual Action Plan due to HUD |
| July 1, 2021 | FY 21/22 funding effective date |

4

Funding Allocations FY 21/22

Community Development Block Grant (CDBG)

Available Funding

\$ 1,214,914 FY 21/22 Allocation
\$ 95,898 Program Income & Reprogrammed Funds
\$ 1,310,812 Total Funds Available

Award Recommendations

\$ 1,057,449 Programs & Services
\$ 242,983 Planning & Admin
\$ 1,300,432 Total Funds Recommended for Award

\$10,380 will be reprogrammed in FY 2022/2023

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Funding Allocations FY 21/22

HOME Investment Partnerships Program

Available Funding

\$ 344,125 FY 21/22 Allocation
\$ 323 Program Income
\$ 344,448

Award Recommendations

\$ 321,485 Awarded for Programs
\$ 21,507 Planning & Admin
\$ 342,992 Total Funds Recommended for Award

\$ 1,456 will be reprogrammed in FY 2022/2023

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CDBG FY 21/22 Recommendations

Public Services	\$190,022
Youth, Domestic Violence Victims, Seniors, Disabled and Homeless	
Non-Public Services - Housing	\$786,051
Housing Rehabilitation, Emergency and Roof Repair Programs	
Non-Public Services- Facilities/Improvements	\$81,376
Improvements to Apache Park	
Program Administration	<u>\$ 242,983</u>
Total Funds Awarded	\$1,300,432

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HOME FY 21/22 Recommendations

Housing Acquisition	\$321,485
Program Administration	<u>\$ 21,507</u>
Total Funds Awarded	\$ 342,992

8

Action Requested

Adopt Resolution No. 12080 to approve the FY 2021/22 Annual Action Plan and authorize the:

- Use, award, and allocation of CDBG and HOME funds for eligible programs and services and associated contracts;
- Reprogramming of prior years' remaining funds and the return of program income;
- An amendment to the Roof Repair and Replacement Program Guidelines;
- Associated HUD certifications and contracts; and,
- Mayor, City Manager, and Community Assistance Manager to take certain actions furthering this Resolution.

