

SCOTTSDALE

CITY COUNCIL MEETING



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

**[REWORDED CONSENT AGENDA ITEM No. 4; MOVED CONSENT AGENDA ITEM No. 4 TO
REGULAR AGENDA ITEM No. 10A; REMOVED WORK STUDY SESSION ITEM No. 1]**

COUNCIL

David D. Ortega, Mayor
Tammy Caputi
Tom Durham
Barry Graham

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Tuesday, February 20, 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 (March 5, 2024).

In-person spoken public comment is being accepted on Items 1 through 10A. 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

Call to Order – 5:02 P.M.

Roll Call – All present (Councilwoman Littlefield participated electronically)
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 – Vice Mayor Whitehead

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.

– Mayor Ortega noted the Scottsdale Arabian Horse Show is in progress this week through February 25, 2024 at WestWorld. There are many amazing programs with 2,300 Arabian horses participating.

– Mayor Ortega announced Spring Training games would begin Saturday, February 24, 2024 at Scottsdale Stadium, home of the San Francisco Giants.

Presentations/Information Updates – Water Resources Executive Director Brian Biesemeyer and Arizona Public Service (APS) Account Manager Tymothy Howitt and APS Account Executive Matthew Pool presented the Arizona Public Service (APS) Peak Solutions Rebate to the city of Scottsdale.

- **Arizona Public Service (APS) Peak Solutions Rebate**

Presenter(s): Brian Biesemeyer, Water Resources Executive Director and Tymothy Howitt, Account Manager, APS

Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.

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 – Hiram Champlin provided a document to the Council and spoke about a financial crime investigation at Scottsdale House Homeowners Association and requested additional police support be provided to aid the investigation. Lizbeth Congiusti provided a document to the Council and spoke about the Pleasant Run Homeowners Association interaction with the Planning Department and requested restitution for attorney fees due to a permitting situation. David Smith commented that the sales tax initiative to acquire land for the Preserve had been accomplished and requested the tax end. Mason Gates spoke in opposition to road diets, road congestion, and the dangers to commuters. Bob Lettieri spoke in opposition to road diets, road congestion, and noted he filed a citizen petition to remove six streets that are currently planned for reclassification in the Transportation Action Plan.

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 January 2024:

- a. [Special Meeting Minutes of January 23, 2024](#)
- b. Executive Session Minutes of January 23, 2024
- c. [Regular Meeting and Work Study Session Minutes of January 23, 2024](#)

– Councilwoman Janik made a motion to approve the Special Meeting Minutes of January 23, 2024; Executive Session Minutes of January 23, 2024; and Regular Meeting and Work Study Session Minutes of January 23, 2024. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

CONSENT AGENDA ITEMS 1-8

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 Whitehead made a motion to approve Consent Agenda Items 1 through 8, noting Item 4 was moved to the Regular Agenda as Item 10A. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

CONSENT AGENDA

1. [Voila French Bistro Liquor License \(88-LL-2023\)](#) – **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: 10135 E. Via Linda, Suite C120
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [55 Resort at McCormick Ranch Liquor License \(1-LL-2024\)](#) – **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: 9449 N. 90th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Quail Crest Estates 2 Rezoning \(11-ZN-2022\)](#) – **Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4622** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-130 ESL) to Single-Family Residential, Planned

Residential Development, Environmentally Sensitive Lands (R1-70 PRD ESL) zoning and approval of a Development Plan with increased density and Amended Development Standards for lot area, lot width, and setbacks for a 12-lot subdivision on a ±20-acre site.

2. Adopt **Resolution No. 13001** declaring the document titled “*Quail Crest Estates 2 Development Plan*” to be a public record.

Location: Southeast corner of E. Pinnacle Vista Drive and N. 132nd Street

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

- ***4. **Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Construction Phase Contract Amendment**
(Moved to Regular Agenda Item No. 10A)

5. **Transportation Engineering Services Contract Extensions – Approved on Consent.**

Request: Adopt **Resolution No. 13049** authorizing the following one-year contract extensions, in an amount not to exceed \$750,000 per contract, for on-call transportation engineering services:

1. Contract No. 2020-048-COS-A3 with Gavan & Barker, Inc.
2. Contract No. 2020-049-COS-A3 with Olsson, Inc. (formerly Premier Engineering Corporation)
3. Contract No. 2020-050-COS-A3 with Ritoch-Powell and Associates Consulting Engineers, Inc.

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

6. **John Reddell, Jr. v. City of Scottsdale Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 13051** to authorize:

1. Agreement No. 2024-052-COS with John Reddell, Jr., in the amount of \$105,000, to settle all claims in *John Reddell, Jr. v. City of Scottsdale, et al.*, Case No. CV2022-053059, currently pending in the Superior Court of the State of Arizona, County of Maricopa.
2. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute such documents and take such other actions as necessary to carry out the purpose of this Resolution.

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

7. **Fiscal Year (FY) 2023/24 Capital Improvement Plan (CIP) Budget Adjustments and Cash Transfers – Approved on Consent.**

Request: Adopt **Resolution No. 13028** authorizing FY 2023/24 CIP budget adjustments and cash transfers.

Staff Contact(s): Ana Lia Johnson, Acting Budget Director, 480-312-7893, anjohanson@scottsdaleaz.gov

8. **Monthly Financial Report – Approved on Consent.**

Request: Accept the Fiscal Year 2023/24 Monthly Financial Report as of December 2023.

Staff Contact(s): Ana Lia Johnson, Acting Budget Director, 480-312-7893, anjohanson@scottsdaleaz.gov

– Councilwoman Janik requested additional information on Item 8 [Monthly Financial Report].

– City Treasurer Sonia Andrews gave a presentation on the Monthly Financial Report.

REGULAR AGENDA ITEMS 9-10A

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

9. **Rescinding Previously Adopted Resolutions related to funding to construct The Residence at Paiute**

Request: Adopt **Resolution No. 13052** to authorize:

1. The rescinding of previously adopted Resolution No. 12913.

2. A Fiscal Year 2023/24 return of \$6,570,000 of budget appropriation from the “Construct The Residence at Paiute” capital project to the Capital Grant Contingency budget.
3. A Fiscal Year 2023/24 return of \$7,909,173 from the “Construct The Residence at Paiute” capital project to the General Plan Initiatives designation in the General Fund operating fund balance.
4. The rescinding of previously adopted Resolution No. 12928.
5. A Fiscal Year 2023/24 return of \$5,316,186 from the Bond 2019 Project 25 – Replace Aging Building that Comprise Paiute Community Center to the General Plan Initiatives designation in the General Fund operating fund balance.

Presenter(s): Judy Doyle, Community Services Assistant Executive Director

Staff Contact(s): Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, jdoyle@scottsdaleaz.gov

– Community Services Assistant Executive Director Judy Doyle gave a PowerPoint presentation on the proposed Resolution No. 13052 rescinding funding to construct The Residence at Paiute.

– Mayor Ortega opened public comment on this item.

– Lee Kauftheil spoke in support of the project and requested the Council find another way to help those in need.

– Neal Shearer spoke in support of the project and requested the City seek other means of moving forward with the project.

– Mayor Ortega closed public comment on this item.

– Vice Mayor Whitehead made a motion to adopt Resolution No. 13052 to authorize:

1. The rescinding of previously adopted Resolution No. 12913.
2. A Fiscal Year 2023/24 return of \$6,570,000 of budget appropriation from the “Construct The Residence at Paiute” capital project to the Capital Grant Contingency budget.
3. A Fiscal Year 2023/24 return of \$7,909,173 from the “Construct The Residence at Paiute” capital project to the General Plan Initiatives designation in the General Fund operating fund balance.
4. The rescinding of previously adopted Resolution No. 12928.
5. A Fiscal Year 2023/24 return of \$5,316,186 from the Bond 2019 Project 25 – Replace Aging Building that Comprise Paiute Community Center to the General Plan Initiatives designation in the General Fund operating fund balance.

Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

10. [Old Town Scottsdale Character Area Plan – Phase 2 and The Downtown and Planned Block Development Zoning Districts Updates \(5-GP-2021#2 and 1-TA-2021\)](#)

Requests:

1. Adopt **Resolution No. 13008** authorizing a minor amendment to the Scottsdale General Plan 2035 by amending and updating the Old Town Character Area Plan.
2. Adopt **Ordinance No. 4629** amending the City of Scottsdale Zoning Ordinance (Ordinance No.455) for the purpose of amending Section 5.3000 (Downtown); Section 6.1200 (Downtown Overlay); Section 6.1300 (Planned Block Development Overlay District); Section 7.1200 (Special Public Improvements); and other applicable sections of the Zoning Ordinance to prospectively update specific names, definitions, district size requirements, sub-districts, use regulations, development types, Development Plan requirements, property development standards, the ability to grant discretionary bonus provisions and/or bonus development standards, and related citywide requirements as provided in Case No. 1-TA-2021.

3. Adopt **Resolution No. 13058** declaring the document entitled “*Old Town Zoning Districts Text Amendment*” to be a public record.

Presenter(s): Adam Yaron, Planning and Development Area Manager

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

– **Planning and Development Area Manager Adam Yaron gave a PowerPoint presentation on the proposed Old Town Scottsdale Character Area Plan – Phase 2 and The Downtown and Planned Block Development Zoning Districts Updates.**

– **There was no public comment on this item.**

– **Vice Mayor Whitehead made a motion to:**

1. **Adopt Resolution No. 13008 authorizing a minor amendment to the Scottsdale General Plan 2035 by amending and updating the Old Town Character Area Plan.**
2. **Adopt Ordinance No. 4629 amending the City of Scottsdale Zoning Ordinance (Ordinance No.455) for the purpose of amending Section 5.3000 (Downtown); Section 6.1200 (Downtown Overlay); Section 6.1300 (Planned Block Development Overlay District); Section 7.1200 (Special Public Improvements); and other applicable sections of the Zoning Ordinance to prospectively update specific names, definitions, district size requirements, sub-districts, use regulations, development types, Development Plan requirements, property development standards, the ability to grant discretionary bonus provisions and/or bonus development standards, and related citywide requirements as provided in Case No. 1-TA-2021.**
3. **Adopt Resolution No. 13058 declaring the document entitled “Old Town Zoning Districts Text Amendment” to be a public record.**

Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

*****10A. [Gravity Sewer – Tournament Players Club \(TPC\) Golf Course to North Pumpback Station Project Construction Phase Contract Amendment](#)**

Request: Adopt **Resolution No. 13040** to authorize:

1. Construction Manager at Risk Contract No. 2023-201-COS-A1 with Achen Gardner Construction, LLC, in an amount not to exceed \$18,301,994, to provide phase two construction phase services for the Gravity Sewer – TPC Golf Course to the North Pumpback Station Project.
2. A Fiscal Year 2023/24 Capital Budget Transfer, of up to \$7,787,000, from the Rio Verde/128th Street Transmission Mains project (WG01) to the Greenway Hayden Loop Sewer Improvements project (VJ01) to be funded by sewer rates.
3. A Fiscal Year 2023/24 Capital Budget Transfer, of up to \$6,000,000, from the New Pumpback project (VJ05) to the Greenway Hayden Loop Sewer Improvements project (VJ01) to be funded by sewer rates.
4. A Fiscal Year 2023/24 Capital Budget Transfer, in the amount of \$3,267,000, from the Water Campus Vadose Well Construction project (WH01) to the Greenway Hayden Loop Sewer Improvements project (VJ01) to be funded by sewer rates.
5. A Fiscal Year 2023/24 Capital Budget Transfer, in the amount of \$528,900, from the East Dynamite Area Transmission Main project (WD01) to the Greenway Hayden Loop Sewer Improvements project (VJ01) to be funded by sewer rates.
6. A Fiscal Year 2023/24 Capital Budget Transfer, in the amount of \$7,417,100, from the State Land Near Legend Trails II project (WF04) to the Greenway Hayden Loop Sewer Improvements project (VJ01) to be funded by sewer rates.
7. The City Treasurer and City Manager, or their designees, to take such actions and execute such documents as necessary to carry out the intent of this Resolution.

Location: South of Bell Road and on the West Side of Pima Road

Presenter(s): Alison Tymkiw, City Engineer and Brian Biesemeyer, Water Resources Executive Director

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

– City Engineer Alison Tymkiw and Water Resources Executive Director Brian Biesemeyer gave a PowerPoint presentation on the proposed Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Construction Phase Contract Amendment.

– There was no public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 13040 to authorize:

1. Construction Manager at Risk Contract No. 2023-201-COS-A1 with Achen Gardner Construction, LLC, in an amount not to exceed \$18,301,994, to provide phase two construction phase services for the Gravity Sewer – TPC Golf Course to the North Pumpback Station Project.
2. A Fiscal Year 2023/24 Capital Improvement Plan (CIP) budget transfers of up to \$25,000,000 from the Rio Verde/128th Street Transmission Mains (WG0I), New Pumpback (VJ0S), Water Campus Vadose Well Construction (WH0I), East Dynamite Area Transmission Main (WD0I), and State Land Near Legend Trails II (WF04) capital projects to the Greenway Hayden Loop Sewer Improvements (VJ0I) capital project to be funded by Sewer Rates.

Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

Public Comment – Brent Bieser commented on an ongoing zoning issue at the northeast corner of Vista and Scottsdale Roads. Mr. Bieser stated he would be bringing the issue to the Board of Adjustment. Lee Kauftheil commented on transportation congestion and an example of Braess' paradox, in which larger roads increase congestion because everyone drives on that road instead of other available routes.

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."**

CITIZEN PETITIONS

ITEM 11

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.

11. 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 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

– A citizen petition presented by Bob Lettieri was accepted and acknowledged.

– Mayor Ortega made a motion to direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

WORK STUDY SESSION

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. Preliminary Fiscal Year (FY) 2024/25 Budget Outlook and Capital Improvement Plan (CIP) Updates**

(Item removed at the request of staff)

– Mayor Ortega noted for the record that the Work Study item was removed at the request of staff since a quarterly report related to the Budget and Capital Improvement Plan was provided at the last City Council Meeting on February 6, 2024.

Adjournment – 7:37 P.M.

– Vice Mayor Whitehead made a motion to adjourn the Regular Meeting and Work Study Session. Councilmember Graham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.