

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



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

**[ADDED ITEM NOS. A1, 15A, AND 15B]**

### **COUNCIL**

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

**Tuesday, April 4, 2023**

*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://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 Council meeting (April 18, 2023).*

*In-person spoken public comment is being accepted on Items 1 through 16. 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](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

Tuesday, April 4, 2023

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**Call to Order – 5:03 P.M.**

**Roll Call – All present**

*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 – Councilmember Graham**

**Mayor's Report**

**Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they continue their fight for freedom and democracy.**

**Mayor Ortega invited everyone to attend Bunnanza on Saturday, April 8, 2023 from 9:00 a.m. to noon. The free admission event will be held on the Civic Center lawn and will feature an egg hunt, interactive booths, food vendors, photo opportunities with the Bunnanza Rabbit, and live music.**

**City Manager's Report – City Manager Jim Thompson introduced a “Fast Five” video produced by the City Communication's Office which provided updates on several City events and offerings.**

- **Fast Five Video Update**

**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 – Dan Ishac spoke to comments made by Councilmember Graham in recent Council and political party district meetings.**

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 February and March 2023:

- [Special Meeting Minutes of February 28, 2023](#)
- Executive Session Minutes of February 28, 2023
- [Regular Meeting Minutes of February 28, 2023](#)
- [Special Meeting Minutes of March 7, 2023](#)
- [Regular Meeting and Work Study Session Minutes of March 7, 2023](#)

– Councilwoman Janik made a motion to approve the following Council meeting minutes from February and March 2023: Special Meeting Minutes of February 28, 2023; Executive Session Minutes of February 28, 2023; Regular Meeting Minutes of February 28, 2023; Special Meeting Minutes of March 7, 2023; and Regular Meeting and Work Study Session Minutes of March 7, 2023. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

## ADDED ITEM

**Added Item:** Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

– Councilwoman Janik made a motion to accept the agenda as presented. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

**\*\*\*A1. Added Item**

Item No. 15B was added to the agenda on March 29, 2023 and requires a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or continue Item No. 15B to the next scheduled Council meeting, which is April 18, 2023.

## CONSENT AGENDA ITEMS 1-15

**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 Janik made a motion to approve Consent Agenda Items 1 through 15B. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

1. **Mochilero Kitchen Liquor License (5-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 a new location and owner.

**Location:** 14850 N. Frank Lloyd Wright Boulevard, Suite 117

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

2. **Sky High Old Town Liquor License (6-LL-2023) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.

**Location:** 8134 E. Indian School Road

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

3. **Sky High Shea Liquor License (7-LL-2023) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.

**Location:** 7127 E. Becker Lane, Suite D

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

4. **[Acoya Scottsdale at Troon Liquor License \(8-LL-2023\)](#) – 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 a new location and owner.  
**Location:** 10455 E. Pinnacle Peak Parkway  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **[Arcadia Farms Cafe Liquor License \(9-LL-2023\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a location transfer of a Series 7 (beer and wine bar) State liquor license for a new location with an existing owner.  
**Location:** 7020 E. 1<sup>st</sup> Avenue, Suite A  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **[Puttshack Liquor License \(10-LL-2023\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a location/owner transfer of a Series 6 (bar) State liquor license for a new location and owner.  
**Location:** 15059 N. Scottsdale Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
7. **[Carreno Brothers Liquor License \(11-LL-2023\)](#) – Approved on Consent.**  
**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 962  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
8. **[Puttshack Conditional Use Permit \(7-UP-2022\)](#) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 12750** approving a Conditional Use Permit for a bar use (puttshack) in a ±26,244 square foot building with ±3,097 square feet of outdoor patio space with Planned Regional Center (PCR) zoning.  
**Location:** 15059 N. Scottsdale Road, Suite 100  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
9. **[Engineering Services Contracts for Stormwater Engineering Services](#) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12762** authorizing the following on-call engineering services contracts for an initial two-year term, in an amount not to exceed \$2,000,000 per contract, for on-call professional services to provide stormwater and drainage related services at various project locations throughout the City:
  1. Contract No. 2023-032-COS with Gavan & Barker, Inc.
  2. Contract No. 2023-033-COS with Kimley-Horn and Associates, Inc.
  3. Contract No. 2023-034-COS with Michael Baker International, Inc.
  4. Contract No. 2023-035-COS with Wood Patel and Associates, Inc.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
10. **[Water Resources Treatment Job Order Contract Extensions](#) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12772** authorizing the following job order contract extensions for the second option year, in an amount not to exceed \$7,500,000 per contract; and increasing the single job order limit to \$4,000,000 for each contract, for citywide water resources treatment construction services:
  1. Contract No. 2020-055-COS-A3 with Currier Construction, Inc.
  2. Contract No. 2020-056-COS-A3 with Garney Companies, Inc.
  3. Contract No. 2020-057-COS-A2 with MGC Contractors, Inc.
  4. Contract No. 2020-058-COS-A2 with Schofield Civil Construction, LLC**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

11. **Water Resources Underground Infrastructure Construction Services Job Order Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12773** authorizing the following contract extensions for the second option year, increasing the annual spending limit to an amount not to exceed \$7,500,000 per contract; and increasing the single job order limit to \$4,000,000 for each contract, for citywide water resources underground infrastructure construction services:
  1. Contract No. 2020-059-COS-A2 with Achen Gardner Construction, LLC
  2. Contract No. 2020-060-COS-A3 with B&F Contracting, Inc.
  3. Contract No. 2020-061-COS-A2 with Garney Companies, Inc.
  4. Contract No. 2020-062-COS-A2 with Markham Contracting Co., Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
12. **Engineering Services Contracts for Surveying Services – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12774** authorizing the following one-year contract extensions for on-call engineering services, in an amount not to exceed \$500,000 per contract, for surveying services throughout the City:
  1. Contract No. 2020-065-COS-A2 with AZTEC Engineering Group, Inc.
  2. Contract No. 2020-066-COS-A2 with T2 UES, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
13. **Citywide Civil/Site Construction Projects Job Order Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12775** authorizing the following contract extensions for the first option year, increasing the annual spending limit to an amount not to exceed \$7,500,000 per contract; and increasing the single job order limit to \$4,000,000 for each contract, for Citywide civil/site construction projects:
  1. Contract No. 2021-037-COS-A2 with DBA Construction, Inc.
  2. Contract No. 2021-038-COS-A1 with B&F Contracting, Inc.
  3. Contract No. 2021-039-COS-A1 with Hunter Contracting Co.
  4. Contract No. 2021-040-COS-A2 with Nesbitt Contracting Co., Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
14. **Land Use License Agreements for Construction, Maintenance, and Operation of Turnout at the Central Arizona Project Canal – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12770** to authorize:
  1. The Water Resources Executive Director to complete and submit such applications that may be required to obtain approval for use of Central Arizona Water Conservation District (CAWCD), or United States Bureau of Reclamation (BOR) lands as may be needed by the Water Resources Division for more efficient and enhanced water delivery or sewage treatment facilities.
  2. The Water Resources Executive Director, with approval from the City Attorney, to execute on behalf of the City such Land Use Licenses from CAWCD or BOR for use of CAWCD or BOR lands to further the City's water and sewer operations.
  3. The Water Resources Executive Director to request a waiver of any applicable annual fee from CAWCD and BOR.
  4. The Water Resources Executive Director, in the event the waiver cannot be obtained, to negotiate an annual fee for the license with CAWCD or BOR which shall not exceed the standard rates adopted by CAWCD or BOR for similar municipal or governmental licenses.**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

15. **National Opioid Settlement Agreements – Approved on Consent.**

**Request:** Adopt **Resolution No. 12785** to authorize:

1. The City of Scottsdale to participate in pending settlement agreements with two manufacturers defendants and three pharmacy defendants in the national opioid litigation.
2. The Mayor to execute the Teva Settlement Participation Form (Contract No. 2023-044-COS), Allergan Settlement Participation Form (Contract No. 2023-045-COS), CVS Settlement Participation Form (Contract No. 2023-046-COS), Walgreens Settlement Participation Form (Contract No. 2023-047-COS), and Walmart Settlement Participation Form (Contract No. 2023-048-COS) as received from the national opioid litigation settlement administrators on behalf the City.
3. The Mayor to sign, after consulting with the City Attorney, any such other action necessary for participation in any future remaining settlements in the National Prescription Opioid Litigation.
4. The Mayor, after consulting with the City Attorney, to execute settlement participation forms and take any such other actions as necessary for participation in any future remaining settlements in the National Prescription Opioid Litigation.
5. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute any such documents and take any such other actions as necessary to carry out the intent of this Resolution.

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

\*\*\*15A. **Garcia Settlement Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 12794** to authorize:

1. Contract No. 2023-051-COS with Yessenia Garcia in the amount of \$200,000, to settle the lawsuit titled *Yessenia Garcia v. City of Scottsdale, et al.*, Case No. 2:21-cv-00914-SPL, currently pending in United States District Court, District of Arizona.
2. The Mayor to execute Contract No. 2023-051-COS.
3. The City Manager, City Treasurer, and City Attorney, and their respective staff to execute any other documents and take such other actions as are necessary to carry out the intent of this Resolution.

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

\*\*\*15B. **Notice of Intention to Increase Water and Wastewater Rates – Approved on Consent.**

**Request:** Adopt notice of intention to increase water and wastewater rates, increase miscellaneous water charges, and make housekeeping adjustments to Chapter 49 of the Scottsdale Revised Code for Fiscal Year 2023/24, and establish June 13, 2023, as the date for a public hearing.

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

## REGULAR AGENDA **ITEM 16**

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

16. **Scottsdale's Museum of the West Financial Participation Agreement Amendment**

**Request:** Adopt **Resolution No. 12712** to authorize:

1. Agreement No. 2022-069-COS-A1, Amended and Restated Financial Participation Agreement, with Scottsdale's Museum of the West, Inc. for Fiscal Year 2022/23.
2. A payment in the amount of \$250,000, to the Scottsdale Museum of the West, Inc., as part of the management services fee.

**Presenter(s):** Brent Stockwell, Assistant City Manager

**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)

**– Assistant City Manager Brent Stockwell gave a PowerPoint presentation.**

- Councilwoman Janik made a motion to adopt Resolution No. 12712 to authorize:
  1. Agreement No. 2022-069-COS-A1, Amended and Restated Financial Participation Agreement, with Scottsdale’s Museum of the West, Inc. for Fiscal Year 2022/23.
  2. A payment in the amount of \$250,000, to the Scottsdale Museum of the West, Inc., as part of the management services fee.

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

**Public Comment – Linda Sullivan asked that 68<sup>th</sup> Street be considered part of the Old Town Character Area Plan and expressed concern with drug usage in her Old Town neighborhood.**

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 17

**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.

**17. Receipt of Citizen Petitions – None**

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

**Staff Contact(s):** Ben Lane, City Clerk, 480-312-2411, [blane@scottsdaleaz.gov](mailto:blane@scottsdaleaz.gov)

**Adjournment – 6:25 P.M.**

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