

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Monday, July 10, 2023

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 Council meeting (July 11, 2023).

In-person spoken public comment is being accepted on Items 1 through 15. 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

Monday, July 10, 2023

Page 2 of 8

Call to Order – 5:07 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 read a proclamation to honor the City's "What Works Cities" Gold Certification, which is only held by 62 cities worldwide. It is a data-driven program that various departments in the City have participated in for many years.

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. He also introduced a video that recognized the Scottsdale Airport as part of the 28th Annual Scottsdale History Hall of Fame ceremony.

Fast Five Video Update

- **Scottsdale History Hall of Fame Video – Scottsdale Airport**

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 – None

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 June 2023:

- [Regular Meeting Minutes of June 13, 2023](#)
- [Special Meeting Minutes of June 13, 2023](#)

– Vice Mayor Littlefield made a motion to approve the Regular Meeting Minutes of June 13, 2023 and Special Meeting Minutes of June 13, 2023. 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.

CONSENT AGENDA ITEMS 1-12

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.

– Councilmembers Graham and Janik requested additional information on Item 2 [Tournament Players Club (TPC) Golf Course 36” Gravity Sewer Engineering Services Contract] and Item 12 [Arizona Canal Bank Improvements Capital Improvement Plan (CIP) Budget Appropriation and Cash Transfers]. Additionally, Councilmember Graham requested additional information on Item 7 [Scottsdale Airport Lease Agreement].

– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 12. 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.

1. [Kaufax Residence Abandonment \(3-AB-2022\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12749** authorizing the abandonment of portions of No. 69th Street, E. Mark Lane, and N. 70th Street, adjacent to Parcel Nos. 216-68-099-A, 216-68-097A, 216-68-099B, and 216-68-097B with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning designation.
Location: 28357 and 28221 N. 69th Street; 28228 and 28212 N. 70th Street
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
2. [Tournament Players Club \(TPC\) Golf Course 36” Gravity Sewer Engineering Services Contract](#) – **City Engineer Alison Tymkiw gave a PowerPoint presentation.**
– **Approved on Consent.**
Request: Adopt **Resolution No. 12849** authorizing Engineering Services Contract No. 2023-079-COS with GHD, Inc., in the amount of \$1,347,899, for the development of design documents for the TPC 36” gravity sewer.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
3. [Granite Reef Wash – Phase 2B Engineering Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12802** authorizing Engineering Services Contract No. 2023-054-COS with Kimley-Horn, Inc., in the amount of \$1,636,335, for design engineering services for the Granite Reef Wash – Phase 2B.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
4. [Paiute Park Bathrooms Replacement Project Construction Bid](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12853** to authorize:
 1. Construction Bid Award No. IFB-092022-021 with EDGE Construction, LLC, the lowest responsive bidder, in the amount of \$829,000, for construction services for the Paiute Park restroom project.
 2. A Fiscal Year 2023/24 Budget Transfer, of up to \$120,000, from the adopted Community Services Division, Community Development Block Grant (CDBG) Fund Operating Budget to the Paiute Park Bathrooms (PI09) Capital Improvement Project (CIP) to be funded by the CIP CDBG Fund.**Locations:** 3210 N. 66th Street
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

5. **Scottsdale Airport Perimeter Road Improvements Project Construction Bid – Approved on Consent.**

Request: Adopt **Resolution No. 12858** to authorize:

1. Construction Bid Award No. IFB-032023-071 with J. Banicki Construction, Inc., including the base bid and adding alternate bids 1 and 2, in the amount of \$1,212,134.50, for construction services in connection with the Airport Perimeter Road Improvements Project.
2. A Fiscal Year 2023/24 Appropriation Contingency Transfer, of up to \$650,000, from the Airport Future Grants Contingency (ZB53) to the Airport Perimeter Road Construction (AI03) capital project to be funded by the Operating Aviation Fund undesignated, unreserved ending fund balance.
3. A Fiscal Year 2023/24 Cash Transfer, of up to \$650,000, from the Operating Aviation Fund undesignated, unreserved ending fund balance to the Airport Perimeter Road Construction (AI03) capital project.

Location: 15000 N. Airport Drive

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

6. **Scottsdale Airport Drive Improvements Project Construction Bid – Approved on Consent.**

Request: Adopt **Resolution No. 12876** to authorize:

1. Construction Bid Award No. IFB-032023-074 with J. Banicki Construction, Inc., the lowest responsive bidder, in the amount of \$901,015.55, for construction services in connection with the Airport Drive Improvements project.
2. A Fiscal Year 2023/24 Appropriation Contingency Transfer, of up to \$125,000, from the Airport Match Contingency (ZB52) to the Rehabilitate Airport Drive (AJ02) capital project to be funded by the Operating Aviation Fund undesignated, unreserved ending fund balance.
3. A Fiscal Year 2023/24 Cash Transfer, of up to \$125,000, from the Operating Aviation Fund undesignated, unreserved ending fund balance to the Rehabilitate Airport Drive (AJ02) capital project

Location: 15000 N. Airport Drive

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

7. **Scottsdale Airport Lease Agreement**

– Aviation Director Gary Mascaro gave a presentation.

– Approved on Consent.

Request: Adopt **Resolution No. 12859** authorizing Lease Agreement No. 2023-087-COS-LA with Aerobat Ventures, LLC for the lease of North General Aviation Box Hangar Space at the Scottsdale Airport.

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

8. **Library Assistance Program Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12869** to authorize:

1. Agreement No. 2023-087-COS-IGA with the Maricopa County Library District for the Library Assistance Program.
2. The Library Director, or designee, as an agent of the City, to accept new library materials, valued at up to \$463,478, from the Maricopa County Library District's Library Assistance Program for Fiscal Year 2023/24, as stipulated in Intergovernmental Agreement No. 2023-087-COS, and take such other actions as necessary to carry out the intent of this Resolution.

Staff Contact(s): Melissa Orr, Interim Library Director, 480-312-2165, morr@scottsdaleaz.gov

9. **Historic Old Town Festoon Lighting Funding – Approved on Consent.**

Request: Adopt **Resolution No. 12889** authorizing a Fiscal Year 2023/24 Tourism Development Fund Operating Contingency transfer, in the amount of \$206,720, to the Old Town Streetlight Replacements (SI05) Capital Improvement Project to be funded by the Tourism Development Fund.

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

10. **Infrastructure Reimbursement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12854** to authorize:
1. Infrastructure Reimbursement Agreement No. 2023-084-COS with CND-Preserve Ranch, LLC, doing business as David Weekley Homes, for cost reimbursement, in the estimated amount of \$2,248,375, to design and construct a portion of Infrastructure Improvement Plan (IIP) project IIP-012 (128th Street Water Transmission Mains).
 2. The City Manager, or designee, to execute any such documents and take any such other actions as necessary to carry out the intent of this Resolution and Agreement.
- Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
11. **Salt River Project – Central Arizona Project (SRP-CAP) Interconnection Facility Cost-Sharing Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12886** to authorize:
1. Agreement No. 2023-120-COS with the Salt River Project Agricultural Improvement and Power District (SRP) and cost-share partners for the technical review of the proposed SRP-CAP Interconnection Facility.
- Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
12. **Arizona Canal Bank Improvements Capital Improvement Plan (CIP) Budget Appropriation and Cash Transfers**
– City Engineer Alison Tymkiw gave a PowerPoint presentation.
– Approved on Consent.
Request: Adopt **Resolution No. 12885** to authorize:
1. A Fiscal Year 2023/24 Old Town Improvements Capital Contingency Budget Appropriation Transfer, of up to \$1,600,000, to a newly created CIP project to be titled “*Arizona Canal Bank Improvements*” to be funded by the Downtown Cultural Trust Operating Fund and Old Town/Downtown Special Improvements CIP Fund.
 2. A Fiscal Year 2023/24 Cash Transfer, of up to \$900,000, from the Downtown Cultural Trust Operating Fund, and up to \$700,000, from the Old Town/Downtown Special Improvement CIP Fund to the Arizona Canal Bank Improvements project.
- Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov and Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 13-15

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

13. **Care Homes Text Amendment (1-TA-2022) – Councilmember Graham made a motion to grant the staff’s request for a continuance to a date to be determined. Councilwoman Janik 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.**
Request: Adopt **Ordinance No. 4590** to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of amending Article I, Section 1.806 (Disability Accommodation); Article I, Section 1.920 (Request for Disability Accommodation); Article III, Section 3.100 (Definitions); Article V, Section 5.012 (Single-Family Residential, R1-190 – Use Regulations); and Article V, Section 5.102 (Single-Family Residential, R1-43 – Use Regulations) to clarify what constitutes a care home and modify the process and criteria for obtaining a disability accommodation.
Presenter(s): Greg Bloemberg, Principal Planner
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

14. [Water Conservation Code Amendment](#)

Request: Adopt **Ordinance No. 4606** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal, Article VII and Division 1, Water Conservation, by adding Section 49-248, Limitation on water intensive landscape/turf areas on new Single-Family Residential homes, to limit water intensive landscapes/turf areas on new single-family residential homes to rear yards only.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director and Gretchen Baumgardner, Water Policy Manager

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

– Water Policy Manager Gretchen Baumgardner gave a PowerPoint presentation.

– There was no public comment on Item 14.

– Councilwoman Whitehead made a motion to adopt Ordinance No. 4606. 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.

15. [Water and Wastewater Infrastructure Improvement Plan Amendment and Water and Wastewater Development Fees Code Amendment](#)

Requests:

1. Adopt **Resolution No. 12871** authorizing a minor amendment to the Infrastructure Improvement Plan adopted in July 2021 to increase certain project costs based on updated engineering estimates; and declaring the amendment to be a public record.
2. Adopt **Ordinance No. 4603** authorizing the newly modified Water and Wastewater Development Fees and amendments to Scottsdale Revised Code, Chapter 49, Water, Sewer, and Sewage Disposal, Article III, Water and Wastewater Development Fees, Section 49-82, Collection of Development Fees, with new fees effective 30 days after adoption of this Ordinance.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director

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

– Water Resources Executive Director Brian Biesemeyer gave a PowerPoint presentation.

– There was no public comment on Item 15.

– Councilwoman Whitehead made a motion to adopt Resolution No. 12871 and Ordinance No. 4603. Councilmember Durham 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 – None

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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 16

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.

16. 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 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

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.**

- **Scottsdale Environmental Advisory Commission Vice Chair Natalie Chrisman Lazarr spoke in support of revisions made to the scope and framework of the Sustainability Plan, endorsed incorporation of the net zero energy strategic plan, and engagement of the community.**
- **Scottsdale Environmental Advisory Commissioner Andrew Scheck expressed support for the Sustainability Plan and proposed taking aggressive steps to make a significant difference in lowering temperatures, lessening drought conditions, and improving air quality.**
- **Scottsdale resident Dan Ishac suggested three significant changes to the Sustainability Plan: simplify the language and focus on energy water and waste; eliminate the secondary and tertiary goals and activities; and include benchmarking/measurements, including a cost-benefit analysis.**

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. [Sustainability, Net Zero Energy, and Heat Mitigation Plans Update](#)

Request: Presentation, discussion, and possible direction to staff regarding the development of the Community Sustainability, Net Zero Energy, and Heat Mitigation Plans.

Presenter(s): Lisa McNeilly, Sustainability Director

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

– Sustainability Director Lisa McNeilly gave a PowerPoint presentation.

– There was consensus by the Council on the following:

- Focus on these pathways: energy, heat, air quality, water, and waste.
- Use narratives that will tell a story about why sustainability is important as it explains the “what, why, when, where and how” that is necessary to establish an understanding of the situation and the importance of addressing it.
- Avoid repetition of items already discussed in other documents, such as the General Plan.
- Need to do community outreach to obtain support for the Sustainability Plan.

– Councilmembers made the following suggestions:

- Use simple or plain language instead of focusing on priorities, strategies, actions, and flowcharts.
- Use examples focusing on children and pets in the narratives.
- Every section of the Sustainability Plan should have an educational component.
- Provide data for quantitative results rather than qualitative results.
- Identify future goals for one year, two years, three years, five years, 10 years, 20 years, and 50 years.
- In any type of return-on-investment analysis, need to factor in quality of life in addition to the financial component.
- Continue focusing on priorities, strategies, actions, and flowcharts.
- Identify potential obstacles related to plan implementation and determine methods for addressing these obstacles.
- Focus on the urgent issues and identify key indicators to assess baseline conditions and monitor progress.
- Incorporate the engagement and education strategies and actions within each priority with citizens, the Scottsdale Environmental Advisory Commission, and other community groups.
- Invest in creating a digital platform that facilitates dynamic modeling and future projections.
- Be mindful of the implementation timeline and do not let perfection stand in the way of progress.
- Include benefits provided by treating wastewater for potability purposes; increasing covered walkways; encouraging light-colored roofs; and avoiding water overspray from sprinklers.
- The General Plan 2035 is an aspirational document supported by separate plans, such as the Transportation Action Plan, Character Area Plans, and Drought Management Plan that are regularly updated. It is important to adopt a Sustainability Plan that will also be regularly updated and support the General Plan 2035.

Adjournment – 7:38 P.M.

– Councilmember Graham made a motion to adjourn the Regular Meeting and Work Study Session. Councilwoman Janik 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.