

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

David D. Ortega, Mayor
Tammy Caputi
Tom Durham
Betty Janik

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Tuesday, November 9, 2021

The City Hall Kiva Forum (Kiva) is open to the public during City Council meetings at a reduced capacity. Seating in the Kiva will be available on a first come, first served basis. Once capacity has been reached, individuals will be directed to a nearby location to view the televised meeting. The Mayor will announce the names of speakers in advance to give those attending the meeting from the nearby location sufficient time to enter the Kiva and make their comments in person. As seating in the Kiva becomes available, individuals waiting in the nearby location will be asked to come to City Hall.

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to virtually attend, participate telephonically, and listen/view the meeting in progress. Unless an exception is made, or unless otherwise noted, the Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (November 16, 2021).

In-person or telephonic comment is being accepted on Items 1 through 16 and 18 and 19). To sign up to speak on these items, please click [here](#).

Scottsdale citizens may also speak on items that are within the Council's jurisdiction but are not on the agenda, 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 or telephonically on a non-agendized item that is within the Council's jurisdiction, please click [here](#).

Online Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted no later than 90 minutes before the start of the meeting and you must indicate whether you will be addressing the Council in person or telephonically.

Written comments on any of the items on tonight's agenda that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting. A written public comment may be submitted electronically by clicking [here](#).

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

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance

Mayor's Report – Mayor Ortega announced that on November 2nd, residents of Scottsdale voted to ratify a new General Plan. City Council, staff, and the public worked very hard to ensure this plan was written by all stakeholders and reflected everyone's vision for Scottsdale moving forward. Mayor Ortega thanked everyone for doing their research and voting for the future of Scottsdale.

– Mayor Ortega reported that the McDowell Sonoran Preserve will celebrate the unveiling of the Pima Dynamite Trailhead and the Art DeCaboater Amphitheater on Saturday, November 13, 2021, at 9:00 a.m. Art DeCaboater was a Preserve pioneer and the founding chair of the McDowell Sonoran Preserve Commission. The city is proud to honor his legacy.

– Mayor Ortega invited the public to Scottsdale's Veterans Day Commemoration on November 11, 2021, at 3:00 p.m. at the McCormick-Stillman Railroad Park. This event is free to the public and is a great opportunity to show appreciation and respect for those who served our nation. There will be a presentation and the Mayor hopes the public attends this event.

Public Comment – None

Public Comment time is reserved for Scottsdale citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. 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 [Regular Meeting Minutes of October 5, 2021](#); [Work Study Session Minutes of October 5, 2021](#); [Special Meeting Minutes of October 12, 2021](#); and [Work Study Session Minutes of October 12, 2021](#).

– Councilwoman Janik made a motion to approve the Regular Meeting Minutes of October 5, 2021; Work Study Session Minutes of October 5, 2021; Special Meeting Minutes of October 12, 2021; and Work Study Session Minutes of October 12, 2021. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-16

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 16. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor

Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. **Quick Stop Liquor License (70-LL-2021) – 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 an existing location with a new owner.
Location: 7123 E. Oak Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Oasis Liquor License (71-LL-2021) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 4441 N. Buckboard Trail
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Le Bouquet Liquor License (72-LL-2021) – 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 an existing location with a new owner.
Location: 9393 N. 90th Street, Suite 115
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Permanent Extension of Premise for Jalapeno Inferno Bistro Mexicano (16-EX-2021) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for a Series 12 (restaurant) State liquor license for an existing location to expand an existing patio.
Location: 23587 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Sale of City Owned Property – Approved on Consent.**
Request: Adopt **Resolution No. 12311** authorizing Purchase and Sale Agreement No. 2021-173-COS with Florez Trust for the sale of a ±0.04-acre parcel of City property.
Location: East side of North 70th Street, South of East Paradise Drive
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
6. **Right-of-Way Acquisition for Camelback Road Sidewalk Improvement Project – Approved on Consent.**
Request: Adopt **Resolution No. 12246** authorizing the acquisition of real property interests as required by the revised Camelback Road Sidewalk Improvement Project.
Location: North side of Camelback Road, from 73rd Street to Miller Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
7. **Pima Road: Happy Valley Road to Jomax Road Capital Project Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12286** authorizing Agreement No. 2021-155-COS with the Maricopa Association of Governments for project administration and reimbursement of Proposition 400 Regional Transportation Sales Tax funds for eligible costs incurred by the City for the Pima Road: Happy Valley Road to Jomax Road capital project.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

8. **Civil Citywide Electrical Construction Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12307** authorizing the following one-year job order contract extensions in an amount not to exceed \$2,500,000 per contract for citywide civil electrical construction services:
 1. Contract No. 2019-194-COS-A1 with AJP Electric, Inc.
 2. Contract No. 2019-195-COS-A1 with CS Construction, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
9. **General Building Citywide Electrical Construction Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12308** authorizing the following one-year job order contract extensions in an amount not to exceed \$2,500,000 per contract for citywide general building electrical construction services:
 1. Contract No. 2019-183-COS-A1 with Rosendin Electric, Inc.
 2. Contract No. 2019-184-COS-A1 with K2 Electric Newco, LLC
 3. Contract No. 2019-185-COS-A1 with Hawkeye Electric, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
10. **Architectural Services Contracts for Capital Improvement and Facilities Projects – Approved on Consent.**
Request: Adopt **Resolution No. 12309** authorizing the following one-year contract extensions in an amount not to exceed \$750,000 per contract for on-call architectural services:
 1. Contract No. 2018-177-COS-A2 with Fucello Architects, LLC
 2. Contract No. 2018-178-COS-A2 with Weddle & Gilmore Architects, LLC
 3. Contract No. 2018-179-COS-A2 with DWL Architects-Planners, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
11. **Underground Fuel Storage On-Call Engineering Services – Approved on Consent.**
Request: Adopt **Resolution No. 12310** authorizing Contract 2017-160-COS-A3 with Gannett Fleming, Inc., for a one-year extension in an amount not to exceed \$1,000,000, for permanent underground fuel storage tank closures and new fuel system design related services.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
12. **Miller Road: Pinnacle Peak Road to Happy Valley Road Construction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12326** authorizing Construction Manager at Risk Contract No. 2021-117-COS-A1 with Haydon Building Corp., in the amount of \$1,601,417.32, for Phase 2 construction phase services for the Miller Road: Pinnacle Peak Road to Happy Valley Road project.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
13. **Administrative Law and Litigation Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12325** authorizing Contract No. 2021-180-COS with Coppersmith Brockelman PLC, in an amount not to exceed \$420,000 for specialized administrative law and litigation services.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
14. **State Lobbying and Information Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12302** to authorize:
 1. Contract No. 2020-183-COS-A1 with The Aarons Company, LLC, in the annual amount of \$54,000 to provide state lobbying and information services on behalf of the City.
 2. Correction to Exhibit A of Contract No. 2020-183-COS to indicate the “*Total Annual Firm Fixed Price*” for Calendar Year 2025 to read only \$54,000.**Staff Contact(s):** Shane Stone, Management Associate to the City Manager, 480-312-7826, shstone@scottsdaleaz.gov

15. **Proposition 202 Grant Funds Acceptance – Approved on Consent.**

Request: Adopt **Resolution No. 12313** to authorize:

1. Acceptance of Proposition 202 grant funds from the Gila River Indian Community in the amount of \$75,128.
2. A budget transfer in the amount of \$15,128 from the adopted Fiscal Year 2021/22 Future Grants Budget and/or Grant Contingency Budget to newly created cost centers to record the related grant activity.
3. The Assistant City Manager, or designee, to execute any necessary documents and/or agreements to facilitate the receipt or transmittal of the specified grant money for grants in the amount of \$75,128.

Staff Contact(s): Shane Stone, Management Associate to the City Manager, 480-312-7826,

16. **Fiscal Year (FY) 2021/22 Operating and Capital Budget Adjustments – Approved on Consent.**

Request: Adopt **Resolution No. 12303** authorizing FY 2021/22 operating and capital improvement plan budget adjustments.

Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

Public Comment – None

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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

MAYOR AND COUNCIL

ITEMS 18-19

18. **Development Review Board Membership**

Request: Consider the continuing membership and potential removal of Ali Fakhri on the Development Review Board in light of Mr. Fakhri's absence from four board meetings within a six-month period.

Staff Contact(s): Rachel Smetana, Mayor's Chief of Staff, 480-312-7806,

rsmetana@scottsdaleaz.gov

– Mayor Ortega gave a presentation.

– Mayor Ortega made a motion to remove Ali Fakh from the Development Review Board for excessive absences. The motion died for lack of a second.

– Vice Mayor Caputi made a motion to continue the membership of Ali Fakh on the Development Review Board. Councilmember Milhaven seconded the motion.

– Councilmember Milhaven made a motion to call the question, which does not require a second. The motion carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

– The Council then voted on the motion made by Vice Mayor Caputi to continue the membership of Ali Fakh on the Development Review Board. The motion carried 6/1, with Vice Mayor Caputi and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative and Mayor Ortega dissenting.

19. **Amendment to Council Rules of Procedure and Board and Commission Member Ordinance**

Requests:

1. Discuss and consider adopting **Resolution No. 12327** amending the City of Scottsdale Rules of Council Procedure by adding a rule stating that the removal of a Board or Commission member can only be placed on a City Council Meeting Agenda at the request of at least four of the Mayor and Councilmembers.
2. Discuss and consider adopting **Ordinance No. 4526** amending Scottsdale Revised Code, Chapter 2, Administration, Article V, Section 2-241(h), related to Board and Commission member absences, notifications, and considerations of removal.

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

– Vice Mayor Caputi gave a presentation.

– Vice Mayor Caputi made a motion to adopt Resolution No. 12327 and Ordinance No. 4526. Councilmember Milhaven seconded the motion.

– Councilwoman Whitehead made an alternate motion to continue Item 19 to the December 8, 2021 Council Meeting agenda. Mayor Ortega seconded the motion.

– Councilwoman Janik made a motion to call the question, which does not require a second. The motion carried 5/2, with Mayor Ortega and Councilmembers Durham, Janik, Littlefield, and Whitehead voting in the affirmative and Vice Mayor Caputi and Councilmember Milhaven dissenting.

– The Council then voted on the alternate motion made by Councilwoman Whitehead to continue Item 19 to the December 8, 2021 Council Meeting agenda. The motion carried 5/2, with Mayor Ortega and Councilmembers Durham, Janik, Littlefield, and Whitehead voting in the affirmative and Vice Mayor Caputi and Councilmember Milhaven dissenting.

Adjourn the City Council Regular Meeting and Convene the City Council Work Study Session – 5:59 P.M.

CITY COUNCIL WORK STUDY SESSION

– City Council Work Study Session called to order at 6:11 P.M.

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.** – **Linda Ambrose, Jerome Landau, and Sonnie Kirtley spoke in support of allowing short-term rental of guest houses (casitas) on a homeowner's property.**

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. [Short-Term Rentals Update](#)

Request: Presentation, discussion, and possible direction to staff regarding the implementation of the Short-Term Rental Working Group recommendations.

Presenter(s): Brent Stockwell, Assistant City Manager

Staff Contact(s): Jim Thompson, City Manager, 480-312-2800, jthompson@scottsdaleaz.gov

– **Assistant City Manager Brent Stockwell, Management Associate to the City Manager Shane Stone, Deputy City Attorney Luis Santaella, and Planning and Economic Development Executive Director Randy Grant gave PowerPoint presentations.**

– Councilmembers made the following suggestions:

- **Provide data related to short-term rental ownership, including how many owners are local, out-of-state, and/or conglomerates.**
- **Increase fines for violations.**
- **Continue to identify short-term rental owners and operators and ensure they are meeting registrations and reporting requirements.**
- **Levy fines on the short-term owner/operators, as well as the emergency contact.**
- **Expanding the definition of habitual offenders to include those who have four prior violations within 24 months.**
- **Seek changes or clarification from the State regarding short-term rental legislation for casitas.**
- **Research the issue and identify consequences and long-term impacts for the short-term rental of casitas.**

– **It was the consensus of the Council to have staff bring back the vacation rental and nuisance party ordinances, along with research related to casitas and the possible initiation of a text amendment at either the December 7 or 8 City Council meeting.**

Adjournment – 8:05 P.M.

Tuesday, November 9, 2021

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