

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 9, 2021**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:02 P.M. on Tuesday, November 9, 2021, in the City Hall Kiva.

ROLL CALL

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

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, City Auditor Sharron Walker, and City Clerk Ben Lane

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 DeCabooter Amphitheater on Saturday, November 13, 2021, at 9:00 a.m. Art DeCabooter 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

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

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.

MOTION AND VOTE – MINUTES

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

1. **Quick Stop Liquor License (70-LL-2021)**
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)**
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)**
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)**
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**
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**
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**
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**
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**
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**
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**
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**
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**
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**
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**
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, shstone@scottsdaleaz.gov

- 16. Fiscal Year (FY) 2021/22 Operating and Capital Budget Adjustments**
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

MOTION AND VOTE – CONSENT AGENDA

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.

PUBLIC COMMENT – None

CITIZEN PETITIONS

26. 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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS

18. Development Review Board Membership

Request: Consider the continuing membership and potential removal of Ali Fakh on the Development Review Board in light of Mr. Fakh'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.

MOTION NO. 1 – ITEM 18

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.

MOTION NO. 2 – ITEM 18

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

CALL THE QUESTION – ITEM 18

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.

VOTE ON MOTION NO. 2 – ITEM 18

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.

MOTION NO. 1 – ITEM 19

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

ALTERNATE MOTION – ITEM 19

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

CALL THE QUESTION – ITEM 19

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.

VOTE ON ALTERNATE MOTION – ITEM 19

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.

ADJOURNMENT

MOTION AND VOTE – ADJOURNMENT

Councilwoman Littlefield 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.

The Regular City Council Meeting adjourned at 5:59 P.M.

SUBMITTED BY:



Ben Lane, City Clerk

Officially approved by the City Council on December 7, 2021

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 9th day of November 2021.

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

DATED this 7th day of December 2021.



Ben Lane, City Clerk