

SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 21, 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 5:00 P.M. on Tuesday, September 21, 2021.

**ROLL CALL**

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

Also Present: City Manager Jim Thompson, Acting City Attorney Joe Padilla, City Treasurer Sonia Andrews, City Auditor Sharron Walker, and City Clerk Ben Lane

**PLEDGE OF ALLEGIANCE** – Councilmember Durham

**MAYOR'S REPORT**

Mayor Ortega announced that the City, in partnership with Maricopa County Department of Public Health, will host a pop-up COVID-19 vaccination event at El Dorado Park Community Center on Thursday, September 23, 2021, from 2:30 p.m. to 6:00 p.m. The Pfizer vaccine and a limited number of Johnson & Johnson vaccines will be available. A second pop-up vaccination event is scheduled for Thursday, October 14, 2021, for those needing a second shot. Additional information can be located at [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov) by searching "COVID-19".

**PUBLIC COMMENT** – Linda Brown expressed dissatisfaction with recent Historic Preservation Commission decisions, noting decisions by the Commission have been inconsistent.

**MINUTES**

**Request:** Approve the Special Meeting Minutes of August 26, 2021; Executive Session Meeting Minutes of August 26, 2021; and Regular Meeting Minutes of August 26, 2021.

**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.

## **MOTION AND VOTE – MINUTES**

Vice Mayor Janik made a motion to approve the Special Meeting Minutes of August 26, 2021; Executive Session Meeting Minutes of August 26, 2021; and Regular Meeting Minutes of August 26, 2021. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

## **CONSENT AGENDA**

- 1. Boondocks Patio & Grill Liquor License (50-LL-2021)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing Series 6 (bar) State liquor license.  
**Location:** 4341 N. 75<sup>th</sup> Street  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
  
- 2. Sonoran International Imports Liquor License (64-LL-2021)**  
**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:** 2950 N. 73<sup>rd</sup> Street, Suite A25  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
  
- 3. Crosscut Canal Banks Land Use License Agreement**  
**Request:** Adopt **Resolution No. 12252** authorizing:
  1. Land Use License Agreement No. 2021-136-COS with the Salt River Project Agricultural Improvement and Power District for the continued use of various north and south banks of the canal between Indian School Road and south of McDowell Road.
  2. The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
- 4. Public and Event Spaces on Civic Center Plaza Construction Phase Services Contract**  
**Request:** Adopt **Resolution No. 12275** authorizing Construction Manager at Risk Contract No. 2021-151-COS with Willmeng Construction, Inc., in the amount of \$5,527,303.32, to provide construction phase services for Bond 2019 Project 1 – Replace Aging Infrastructure and Improve Public and Event Spaces on Civic Center Plaza.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
- 5. WestWorld State Land Purchase Fiscal Year (FY) Reimbursements**  
**Request:** Adopt **Resolution No. 12267** to authorize:
  1. The reimbursement to the General Fund in the amount of \$4,761,008.03 for the purchase of 10.3 acres of Arizona State land using Tourism Development Fund Ending Fund Balance in three annual payments in the amounts of \$1,587,003 in FY 2021/22; \$1,587,003 in FY 2022/23; and \$1,587,002.03 in FY 2023/24.

2. A one-time waiver of Financial Policy 21A, which limits the use of the balance of remaining Tourism Development Fund revenues for multi-year annual commitments for tourism-related projects to \$600,000 per commitment.  
**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
  
6. **Scottsdale ArtWalk Gold Palette Event**  
**Request:** Adopt Resolution No. 12261 to authorize:
  1. Funding, not to exceed \$32,000, from the portion of the Fiscal Year 2021/22 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale ArtWalk Gold Palette Event.
  2. New Event Funding Agreement No. 2021-148-COS with the Scottsdale Gallery Association.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
  
7. **Chihuly in the Desert Art, Architecture, and Nature Exhibit**  
**Request:** Adopt Resolution No. 12262 to authorize:
  1. A Fiscal Year 2021/22 Tourism Development Fund operating contingency transfer in an amount not to exceed \$150,000 to the Tourism and Events Department operating budget to support the Chihuly in the Desert Art, Architecture, and Nature Exhibit.
  2. New Event Funding Agreement No. 2021-149-COS with the Frank Lloyd Wright Foundation.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
  
8. **Prisoner Transport Services Intergovernmental Agreement**  
**Request:** Adopt Resolution No. 12256 authorizing Agreement No. 2021-138-COS with the Town of the Paradise Valley for the purpose of providing prisoner transports to the Town of Paradise Valley Police Department.  
**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, [jwalther@scottsdaleaz.gov](mailto:jwalther@scottsdaleaz.gov)
  
9. **Information Technology Infrastructure License and Services Agreement**  
**Request:** Adopt Resolution No. 12283 authorizing Agreement No. 2016-082-COS-A2, an amendment to the license and master service agreement with Iron Mountain Data Centers, LLC, for backup storage of the city's electronic data files.  
**Staff Contact(s):** Bianca Lochner, Chief Information Officer, 480-312-7615, [blochner@scottsdaleaz.gov](mailto:blochner@scottsdaleaz.gov)
  
10. **Audit Committee Recommendation for the Board of Adjustment Sunset Review**  
**Request:** Accept the Audit Committee's recommendation and authorize the continuation of the Board of Adjustment.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
  
11. **Audit Committee Recommendation for the Building Advisory Board of Appeals Sunset Review**  
**Request:** Accept the Audit Committee's recommendation and authorize the continuation of the Building Advisory Board of Appeals.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

**12. Monthly Financial Report**

**Request:** Accept the Fiscal Year 2021/22 Monthly Financial Report as of July 2021.

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

**MOTION AND VOTE – CONSENT AGENDA**

Councilwoman Whitehead made a motion to approve Consent Agenda Items 1 through 12. Councilwoman Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**REGULAR AGENDA**

**13. Huckle Patio Wall Extension (69-HP-2021) Appeal**

**Request:** Applicant is appealing the Historic Preservation Commission decision to deny modifying the location of the existing wall in the East Pasadena Avenue frontage to increase the size of the enclosed yard of a townhouse.

**Location:** 5014 N. 78<sup>th</sup> Street (Villa Monterey Units 1-7 Historic District)

**Presenter(s):** Doris McClay, Senior Planner

**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Senior Planner Doris McClay gave a PowerPoint presentation (attached) on the Historic Preservation Commission decision related to Huckle Patio Wall Extension (69-HP-2021).

Applicant Lori Huckle gave a presentation on the appeal of the Historic Preservation Commission decision.

**MOTION AND VOTE – ITEM 13**

Councilwoman Littlefield made a motion to reverse the Historic Preservation Commission decision to deny and approve the application to modify the location of the existing wall in the East Pasadena Avenue frontage to increase the size of the enclosed yard of a townhouse. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**PUBLIC COMMENT – None**

**CITIZEN PETITIONS**

**14. 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](mailto:blane@scottsdaleaz.gov)

No citizen petitions were received.

**MAYOR AND COUNCIL ITEMS – None**

**ADJOURNMENT**

**MOTION AND VOTE – ADJOURNMENT**

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

The Regular City Council Meeting adjourned at 5:27 P.M.

**SUBMITTED BY:**



**Ben Lane, City Clerk**

Officially approved by the City Council on October 19, 2021

## CERTIFICATE

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 21<sup>st</sup> day of September 2021.

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

**DATED** this 19<sup>th</sup> day of October 2021.



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Ben Lane, City Clerk

# **Appeal of Patio Wall Extension**

**69-HP-2021**

**City Council  
September 21, 2021**

**Coordinator: Doris McClay**

## **Appeal Requested**

Request by owner for an appeal of the denial of a Certificate of Appropriateness - Historic Resources by the Historic Preservation Commission to modify the location of the existing wall in the E. Pasadena Avenue frontage to increase the size of the enclosed yard of a townhouse located in Unit 6 of the Villa Monterey Units 1-7 Historic District.





Context Aerial

69-HP-2021



Detail Aerial

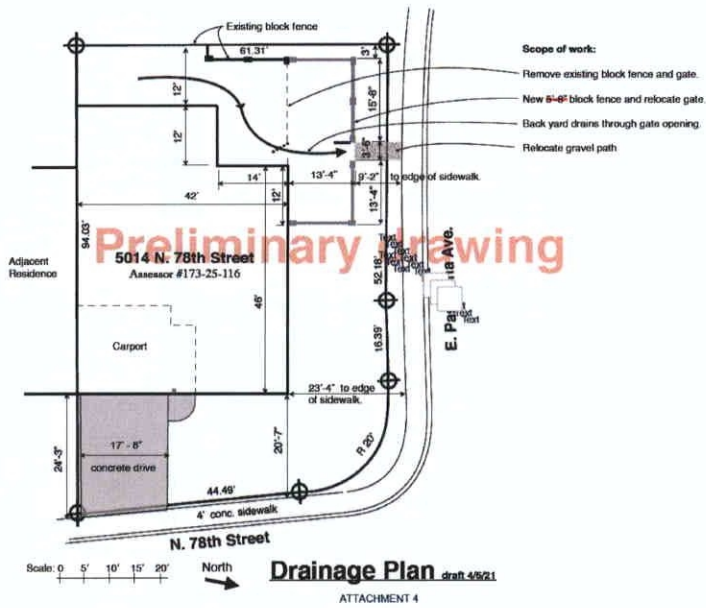
69-HP-2021





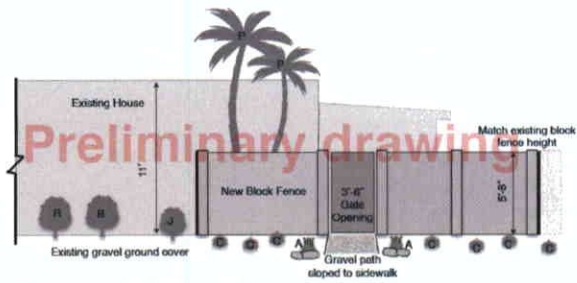
Existing Zoning

69-HP-2021

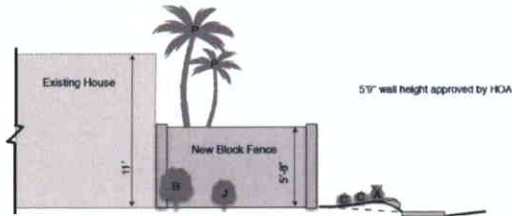


Site Plan

69-HP-2021



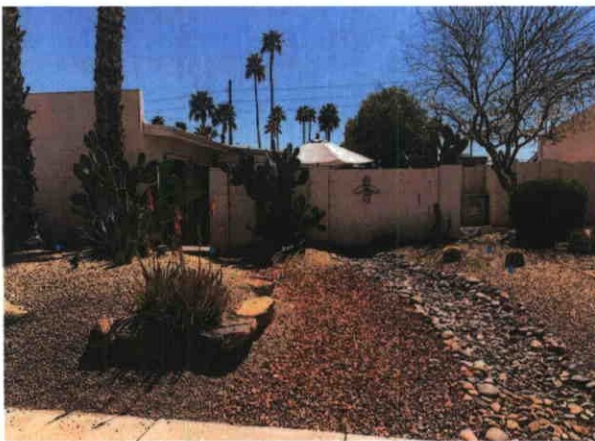
**North Wall Elevation** draft 4/6/21



**East Wall Elevation**

**Wall Elevations**

**69-HP-2021**



**Existing Conditions**



**69-HP-2021**



**Previously Approved – 57-HP-2019#2**



**69-HP-2021**

## **Options for Certificate of Appropriateness**

- Approve as submitted with reference to how the project meets the guidelines
- Approve selected elements, deny others, referencing relevant design guidelines for decision
- Approve with stipulations
- Continue case to allow time for additional work or information to be provided
- Deny as submitted with reference to how the project does NOT meet the guidelines



# **Appeal of Patio Wall Extension**

**69-HP-2021**

**Historic Preservation Commission  
September 21, 2021**

**Coordinator: Doris McClay**