

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

## **MEETING NOTICE AND AGENDA**



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### **COUNCIL**

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

Kathleen S. Littlefield  
Linda Milhaven  
Solange Whitehead

**Monday, January 31, 2022**

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*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](http://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 (February 8, 2022).*

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

Monday, January 31, 2022

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Call to Order – 5:00 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 – Councilwoman Janik

**Mayor's Report – Mayor Ortega welcomed everyone to Western Week when Old Town is transformed into an authentic old west experience for the whole family. Several events are scheduled that include family-friendly games, food, music, and entertainment.**

- On Thursday, February 3, 2022, is the Gold Palette ArtWalk in the Scottsdale Arts District from 6:30 p.m. to 9:00 p.m.
- On Friday, February 4, 2022, the 64<sup>th</sup> Annual Hashknife Pony Express will arrive between 11:00 a.m. and 1:00 p.m., at the Scottsdale Museum of the West.
- On Saturday, February 5, 2022, the 68<sup>th</sup> Annual Parada Del Sol Historic Parade along Scottsdale Road will take place between 10:00 a.m. to 12:00 p.m. This will be followed by the Trail's End Festival held in the Historic Old Town District from 12:00 p.m. to 4:00 p.m.
- On Saturday, February 5, 2022, the Arizona Indian Festival will be in Old Town from 9:00 a.m. to 4:00 p.m. and Sunday, February 6, 2022, from 10:00 a.m. to 4:00 p.m. Festivities will include the native edible experience at Scottsdale's Museum of the West on Saturday, February 5, 2022, from 6:00 p.m. to 9:00 p.m.
- On Friday, February 4, 2022, and Saturday, February 5, 2022 there is free admission to Scottsdale's Museum of the West.

**Public Comment – Teresa Kim Quale presented a citizen petition requesting that the City place a Charter amendment on the November 8, 2022 General Election ballot establishing three council districts with two councilmembers per district. Daniel Ishac spoke on the Greenbelt 88 proposal that will be considered by the Council at its February 8, 2022 Council Meeting.**

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 following Council meeting minutes from December 2021 and January 2022:

- a. [Special Meeting Minutes of December 8, 2021](#)
- b. Executive Session Minutes of December 8, 2021
- c. [Regular Meeting and Work Study Session Minutes of December 8, 2021](#)
- d. [Regular Meeting and Work Study Session Minutes of January 11, 2022](#)

**– Councilwoman Whitehead made a motion to approve the Special Meeting Minutes of December 8, 2018, Executive Session Minutes of December 8, 2021, and Regular Meeting and Work Study Session Minutes of December 8, 2021. Councilwoman Janik 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.**

– Councilwoman Whitehead made a motion to amend the Regular Meeting and Work Study Session Minutes of January 11, 2022, page seven, fourth bullet under “There was Council Consensus on the following items:” to reflect “Staff and the McDowell Sonoran Preserve Commission will look at how the current funding sources can be used to purchase strategic land parcels.” Mayor Ortega seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, and Whitehead voting in the affirmative, and Councilmember Milhaven dissenting.

## **CONSENT AGENDA      ITEMS 1-18**

**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 Littlefield made a motion to approve Consent Agenda Items 1 through 18, except Item 11, which was considered separately. 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.

1. **[QuikTrip #1418 Liquor License \(104-LL-2021\)](#) – 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 a new location and owner.  
**Location:** 8780 E. McDowell Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **[Permanent Extension of Premise for Harkins Outdoor Cinema \(1-EX-2022\)](#) – 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 6 (bar) State liquor license for an existing location to add an outdoor cinema.  
**Location:** 7014 E. Camelback Road, Suite 3A  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **[The Valley View Homes Final Plat \(10-PP-2018\)](#) – Approved on Consent.**  
**Request:** Approve the final plat for a new residential subdivision, comprised of eight lots and associated tracts on a ±5-acre site with Single-Family Residential, Planned Residential Development (R1-18 PRD) zoning.  
**Location:** 7450 and 7522 E. Valley View Road  
**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
4. **[Rawhide Wash Mitigation Project Rights-of-Way Acquisition](#) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12360** authorizing and directing that rights-of-way be acquired by the City of Scottsdale by dedication, donation, purchase, or by the exercise of the power of eminent domain as a matter of public necessity to allow construction and modification of floodwall improvements for the Rawhide Wash Mitigation project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

5. **Crossroads East Sewer Lift Station Right-of-Way and Drainage Easement Acquisition – Approved on Consent.**

**Request:** Adopt **Resolution No. 12364** to authorize:

1. The purchase of 14,360 square feet of right-of-way and drainage easement from the Arizona State Land Department for a permanent truck turnaround and access for operational needs to the Crossroads East Sewer Lift Station in advance of anticipated future development.
2. The City Manager, or designee, to acquire the right-of-way for the amount equal to the Arizona State Land Department's appraised value of the ten (10) year right-of-way and drainage easement and pay such additional reasonable fees as may be necessary for the acquisition.
3. The City Manager, or designee, to pay all amounts necessary to purchase the right-of-way and drainage easement and to make decisions and render such performance as necessary to complete the transaction.
4. The City Treasurer to utilize funds from the City of Scottsdale Capital Improvement Program budget to pay the full purchase for right-of-way and easement, and other fees reasonably necessary to complete the transaction.
5. Mayor David D. Ortega, or his designee, to execute any documents as may be necessary to complete acquisition of the right-of-way and drainage easement.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

6. **Public and Event Spaces on Civic Center Plaza Construction Phase Services Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 12379** authorizing Construction Manager at Risk Contract No. 2021-151-COS-A1 with Willmeng Construction, Inc., in an amount not to exceed \$16,744,212.63, for Phase 2 of construction phase services for Bond 2019 Project 1 – Replace Aging Infrastructure and Improve Public and Event Spaces on Civic Center Plaza and Project 36 – Provide Free Public WiFi at the Civic Center Plaza.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

7. **Modification to On-Call Architectural Services Contract for Capital Improvement and Facilities Projects – Approved on Consent.**

**Request:** Adopt **Resolution No. 12372** authorizing Contract No. 2018-179-COS-A3 with DWL Architects-Planners, Inc., increasing the annual contract term amount to \$1,500,000 for the design of various capital improvement and facilities projects throughout the City as needed.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

8. **Driving Under the Influence Enforcement and Education Grant – Approved on Consent.**

**Request:** Adopt **Resolution No. 12377** to authorize:

1. Acceptance of, if awarded, a grant from the State of Arizona, on behalf of the Oversight Council on Driving or Operating Under the Influence (DUI) Abatement, to receive up to \$100,000 in grant funds to support DUI enforcement and education.
2. The City Manager, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant.
3. A budget transfer in the amount of \$100,000 from the adopted Fiscal Year 2021/22 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.

**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, [jwalther@scottsdaleaz.gov](mailto:jwalther@scottsdaleaz.gov)

9. **2021 Maricopa County Multi-Jurisdictional Hazard Mitigation Plan – Approved on Consent.**

**Request:** Adopt **Resolution No. 12376** approving the 2021 Maricopa County Multi-Jurisdictional Hazard Mitigation Plan.

**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)

10. **Fuel Reduction Mitigation Program Subgrantee Reimbursement Agreement – Approved on Consent.**  
Adopt **Resolution No. 12368** to authorize:
  1. Subgrantee Reimbursement Agreement No. 2022-012-COS with the Maricopa County Department of Emergency Management to accept a grant in the amount of \$17,985 for a fuel reduction mitigation program in support of the County Community Wildfire Protection Program.
  2. A budget transfer in the amount of \$17,985 from the FY 2021/22 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
  
11. **Termination of Fire Department Mutual Aid Agreement – Fire Chief Tom Shannon gave a presentation.**  
**– Vice Mayor Caputi made a motion to approve Consent Item 11 to terminate the Fire Department Mutual Aid Agreement and requested the City Manager consider the benefit of entering into a new agreement that would assure shared risk. Councilmember Milhaven 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.**  
**Request:** Adopt **Resolution No. 12357** authorizing the termination of Agreement No. 2021-056-COS with Rural/Metro Fire Department, Inc., for mutual aid fire services, effective January 31, 2022.  
**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
  
12. **Federal Lobbying and Legal Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12347** authorizing Contract No. 2022-001-COS with Capital Edge Advocacy, LLC, in the amount of \$32,500, to provide federal lobbying and information services for the remainder of Fiscal Year 2021/22.  
**Staff Contact(s):** Shane Stone, Senior Management Associate to the City Manager, 480-312-7826, [shstone@scottsdaleaz.gov](mailto:shstone@scottsdaleaz.gov)
  
13. **Associate City Judge Reappointment – Approved on Consent.**  
**Request:** Approve the reappointment of Statia Hendrix, Associate Judge, to a term of four years, as set forth in the City Code, to begin on March 10, 2022.  
**Staff Contact(s):** Donna Brown, Human Resources Director, 480-312-2615, [dbrown@scottsdaleaz.gov](mailto:dbrown@scottsdaleaz.gov)
  
14. **Reappointment of Pro Tem Judges for City Court – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12385** authorizing the following appointments of Pro Tem Judges for a two-year term for the period of February 14, 2022, through February 13, 2024: Scott Chapman, Jerry Landau, Tamika Wooten, and Elizabeth Finn.  
**Staff Contact(s):** Joseph Olcavage, Presiding Judge, 480-312-2762, c/o [smounsey@scottsdaleaz.gov](mailto:smounsey@scottsdaleaz.gov)
  
15. **Smart Region Consortium Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12371** authorizing Agreement No. 2019-169-COS-A1, the first amendment to the agreement with the Partnership for Economic Innovation in the amount of \$25,000, to extend the city's participation in the Connective Smart Region Consortium of the Partnership for Economic Innovation.  
**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)
  
16. **Monthly Financial Report – Approved on Consent.**  
**Request:** Accept the Fiscal Year 2021/22 Monthly Financial Report as of November 2021.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)



17. [Fredrics v. City of Scottsdale Settlement Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 12386** authorizing Agreement No. 2022-016-COS with Marc Fredrics in the amount of \$60,000 to settle *Fredrics v. City of Scottsdale, et al.*, Arizona District Court Case No. CV21-00001-PHX-MTL, against the City and its employees.  
**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)
18. [Fiscal Year 2020/21 Risk Management Department and Loss Trust Fund Annual Report](#) – **Approved on Consent.**  
**Request:** Accept the Fiscal Year 2020/21 Annual Report for the Risk Management Department and Loss Trust Fund.  
**Staff Contact(s):** George Woods, Risk Management Director, 480-312-7040, [gwoods@scottsdaleaz.gov](mailto:gwoods@scottsdaleaz.gov)

## **REGULAR AGENDA**                      **ITEM 19**

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

19. [Quarterly Financial and Capital Improvement Plan \(CIP\) Update](#)  
**Request:** Receive, discuss, and provide possible direction on the City Treasurer’s quarterly financial presentation and/or CIP presentation as of December 2021.  
**Presenter(s):** Sonia Andrews, City Treasurer and Dan Worth, Public Works Director  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)  
– **City Treasurer Sonia Andrews and Public Works Director Dan Worth gave a PowerPoint presentation on the financial status of the City and capital program as of December 2021.**

### **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.”**

## **CITIZEN PETITIONS**                      **ITEM 20**

**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.

20. **Receipt of Citizen Petitions – Mayor Ortega made a motion to direct the City Manager to place the item on the agenda for a Work Study Session on February 15, 2022. Councilwoman Whitehead seconded the motion, which carried 4/3, with Mayor Ortega and Councilmembers Durham, Janik, and Whitehead voting in the affirmative and Vice Mayor Caputi and Councilmembers Littlefield and Milhaven dissenting.**  
**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)

**Mayor and Council Items – None**

**Adjourn the regular portion of the Meeting and Convene the City Council Work Study Session – 6:21 P.M.**

**CITY COUNCIL 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. – None**

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. **[Fiscal Year 2022/23 Comprehensive Financial Policies](#)**

**Requests:** Presentation, discussion, and possible direction to staff regarding the Fiscal Year 2022/23 Comprehensive Financial Policies.

**Presenter(s):** Sonia Andrews, City Treasurer

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

**– City Treasurer Sonia Andrews gave a PowerPoint presentation on the Fiscal Year 2022/23 comprehensive financial policies.**

**– There was Council consensus on the following item:**

- **Staff should move forward with proposed enhancements to the City's comprehensive financial policies related to:**
  - **Reorganizing and reformatting the policy;**
  - **Incorporating best practices;**
  - **Formalizing strong financial practices; and**
  - **Clarifying language where needed.**

**– The Council made the following suggestions:**

- **Monitor the Construction Sales Tax Revenue Funds for fluctuations.**
- **The one-third of the 1.1% tax collected on food for home consumption be eliminated rather than phased out by Fiscal Year 2024.**

**Adjournment – 6:50 P.M.**

**– Councilwoman Janik made a motion to adjourn. Vice Mayor Caputi 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.**