

SCOTTSDALE

CITY COUNCIL MEETING



*****SECOND AMENDED*** MEETING NOTICE AND AGENDA**

[REWORDED TITLE AND DESCRIPTION OF ITEM No. 3; ADDED ITEM NOS. A1, 6A, AND 6B]

COUNCIL

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

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Thursday, July 7, 2022

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to 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 (August 22, 2022).

In-person spoken public comment is being accepted on Items 1 through 7. 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 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](#).

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 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

Thursday, July 7, 2022

Page 2 of 7

Call to Order – 5:30 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 asked to keep the people of Ukraine and their fight for freedom at the forefront of our thoughts and for a moment of silence. Mayor Ortega announced the Council would be on break after tonight's meeting until late August. He wished everyone a wonderful summer.

Public Comment – Iron Eyes Decoyte expressed concern about experiences with sexual orientation, gender identification, and gender expression.

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."**

ADDED ITEM

Added Item: Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

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

*****A1. Added Item**

Item No. 6B was added to the agenda on July 5, 2022 and requires a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or continue Item No. 6B to the next scheduled Council meeting, which is August 22, 2022.

CONSENT AGENDA ITEMS 1-6B

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 6B. Vice Mayor Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. [Real Property Acquisitions for Scottsdale Road – Jomax Road to Dixileta Drive Project](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12497** authorizing the acquisition of rights-of-way, easements, and temporary construction easements to complete roadway improvements for the Scottsdale Road -Jomax Road to Dixileta Drive Project.
2. [WestWorld Master Plan Phase I Services Engineering Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12550** authorizing Contract No. 2022-100-COS with Kimley-Horn and Associates, Inc., in an amount not to exceed \$100,000, for WestWorld Master Plan Phase I Services.
Location: 16601 N. Pima Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- ***3. [Community Services Division Fee Adjustments](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12541** to become effective August 6, 2022, authorizing and approving:
 1. Fee adjustments for Indian School Park Baseball Facilities, Youth Sports Field Allocation partner field rentals, and Civic Center Library kitchen rentals.
 2. An updated Community Services Division Schedule of program charges, rental fees, and fines to be effective August 6, 2022, and, for administrative ease and clarity, to supersede the July 2022 Fee Schedule adopted pursuant to Resolution No. 12488 with the other authority and approvals in Resolution No. 12488 remaining unchanged.**Staff Contact(s):** Nick Molinari, Parks and Recreation Director, 480-312-1011, nmolinar@scottsdaleaz.gov
4. [DNA Capacity Enhancement and Backlog Reduction Program Formula Grant](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12531** to authorize:
 1. Acceptance of a Federal Fiscal Year 2021 DNA Capacity Enhancement and Backlog Reduction Program formula grant in the amount of \$249,804 from the Department of Justice, Office of Justice Programs.
 2. The Chief of Police, 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 \$249,804 from the adopted Fiscal Year 2022/23 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
5. [Staffing for Adequate Fire and Emergency Response Fiscal Year \(FY\) 2022/23 Grant](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12450** to authorize:
 1. If awarded, the spending of the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant funds in the total amount of \$6,584,497 over three, 12-month periods beginning in FY 2022/23.
 2. The Fire Chief, 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 FEMA grant.
 3. The addition of thirty new, full-time equivalent positions at the job classification of Firefighter in the Fire Department during FY 2022/23.
 4. A budget transfer up to \$1,445,995 from the adopted FY 2022/23 Future Grants Budget and/or Grant Contingency to a newly created cost center to record the related SAFER grant activity. This transfer will cover the first year period beginning October 9, 2022 to be funded by the grant.
 5. A budget transfer up to \$812,922 from the FY 2022/23 adopted General Fund Operating Contingency to the Fire Department's operating budget to cover expenses, such as the difference in salary and benefit costs since applying for the grant; medical exams; and one-time costs associated with the academy and uniforms/gear.**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

6. **Fire Prevention and Protection Code Amendment – Approved on Consent.**

Request: Adopt **Ordinance No. 4552** amending Scottsdale Revised Code, Chapter 36, Fire Prevention and Protection, amending Section 36-2 pertaining to Fire Department purpose and duties.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

***6A. **Kranz Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12554** to authorize:

1. Agreement No. 2022-103-COS with Plaintiff Eileen Kranz in the amount of \$23,342.50, to settle all claims in Eileen Kranz. v. City of Scottsdale, Case No. CV2021-018721, currently pending in Maricopa County Superior Court.
2. The Mayor to execute Agreement No. 2022-103-COS.
3. The City Manager, City Treasurer, and City Attorney, and their respective staffs to execute any other documents and take such other actions as are necessary to carry out the intent of this Resolution.

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

***6B. **Cavasson Phase 3A Plat (3-PP-2019#4) – Approved on Consent.**

Request: Approve the amendment to a final plat (3-PP-2019#2) to add two lots and associated tracts on a ±30-acre site with Planned Community District, Planned Airpark Core (P-C PCP) zoning.

Location: Southeast corner of N. Miller Road and E. Legacy Boulevard

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

REGULAR AGENDA **ITEM 7**

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

7. **Zavala Window Replacement (35-HP-2022) Appeal**

Request: Applicant appeal of the Historic Preservation Commission approved stipulation regarding the front façade window for a residence located within the Villa Monterey Unit Two, with Townhouse Residential, Historic Property (R-4 HP) zoning designation.

Location: 7718 E. Hazelwood Street (Villa Monterey Unit Two Historic District)

Presenter(s): Jesus Murillo, Senior Planner

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

– Senior Planner Jesus Murillo and Applicant Maureen Zavala gave the presentations.

– Councilmember Milhaven made a motion to repeal the stipulation of the Historic Preservation Commission and allow the installation of the double doors as requested. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

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 8

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.

8. 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 – Mayor Ortega made a motion to agendize a future Work Study Session regarding a “buy local” policy. Councilwoman Whitehead seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, and Whitehead voting in the affirmative and Councilmember Milhaven dissenting.

Adjourn the regular portion of the Meeting and Convene the City Council Work Study Session – 5:58 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. – Daniel Ishac spoke to guiding principles, speaking time limits for Council, public comments, item continuations, and board and commission policies.**

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. [Council Rules of Procedure](#)

Request: Presentation, discussion, and possible direction to staff regarding possible changes to the Council Rules of Procedure.

Presenter(s): Sherry Scott, City Attorney and Ben Lane, City Clerk

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov and Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

– City Attorney Sherry Scott and City Clerk Ben Lane gave the PowerPoint presentation.

– There was Council consensus related to the following Council Rules of Procedure:

- Rule 4.3 – modify the rule to include “any Councilmember be allowed to consult with Parliamentarian”.
- Rule 10.2 – include existing Civil Dialogue language directly into the rules, either separately or in a preamble.
- Rules 10.6 and 10.8 – include language that Councilmembers and the Presiding Officer shall use queuing equipment when desiring to speak on an item.
- Rules 10.3, 10.9, and 10.12 – keep rules as currently constructed.
- Section 11, and definitions related to motions – remove the word “substitute” and use the word “alternate”.
- Rule 11.13 – a motion to continue has priority and all other motions are “last in, first out”.
- Section 11, Voting and Motions – there shall be no more than three active motions on the table at one time.
- Section 11, Voting and Motions – the general order of motions shall be last in, first out, for example, an alternate motion would be voted on first, amended motion voted on second, and main motion voted on third.
- Rule 5.3 – modify rule to reflect meetings held twice a month at 5:00 p.m. on Tuesdays, as feasible.
- Rule 5.6 – keep rule as currently constructed.
- Rule 6.11 – modify rule to require items to be agendized ahead of the meeting, which would allow for some limited debate; and allow Council additional options like a report from the Charter Officer or taking no action.
- Rule 6.12 – keep rule as currently constructed.
- Rule 7.1 – modify rule to limit non-agendized public comment to Scottsdale residents, Scottsdale business owners, or Scottsdale property owners. Additionally, note that non-agendized public comment must be on a matter within the City Council’s jurisdiction and cannot be electioneering.
- Rule 7.3 – keep rule as currently constructed, but clarify that public comment is not allowed on Mayor and Council items.
- Rule 9.1 – modify rule to allow for public comment after applicant’s presentation, but prior to Council questions.
- Rule 9.1 – modify rule to allow for Council questions after staff presentation and again after applicant presentation.
- Rule 9.2 – modify to require applicant to provide notification of continuance request at least two business days prior to the Council meeting date so the agenda can be amended to provide notice to the public. Additionally, if the applicant did not provide notification by the required date, they could still seek a continuance, but it would not be as a matter of right and the public could comment on the continuance request.
- Rule 15.9 – keep rule as currently constructed.
- Rule 16.1 – remove the rule.
- Rule 16.3 – adopt entire nomination, interview, and appointment process in Council Rules.
- Rule 16.4 – include proposed rule in the Boards and Commissions ordinance. However, modify the text of the rule to create an exception that electronic devices can be used in Executive Session to review applicable meeting materials.
- Include proposed rule to publish on all agendas, a provision to allow for possible executive session to obtain advice on any item on the agenda.
- Adopt a rule to discuss substantive amendments made from the dais on ordinances by recessing into executive session for advice or continuing item to a future meeting to allow for staff to research the substantive amendment.

- Adopt a rule to allow speakers to sign up for public comment on an item as long as the public comment period for that item is open.

- Councilmembers made the following suggestions:
 - Rule 10.3 – include an exception to allow for interruptions on points of order.
 - Rule 10.9 and 10.12 – for consistency, include an exception to allow for interruptions on points of order.
 - Where applicable throughout the Rules, change the word “citizens” to “speakers”.
 - For sections related to public comment, add that time limit can be “up to” three minutes.

Adjournment – 8:24 P.M.

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