

SCOTTSDALE

CITY COUNCIL MEETING

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

[ADDED ITEM NOS. A1 AND 40A]



COUNCIL

David D. Ortega, Mayor
Tammy Caputi
Tom Durham
Barry Graham

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Tuesday, June 27, 2023

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream"). 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 (July 10, 2023).

In-person spoken public comment is being accepted on Items 1 through 44. 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, business owners, and/or property owners 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](#).

Requests for in-person public comment may be submitted online or at the City Council meeting. 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 online 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

Tuesday, June 27, 2023

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Call to Order – 5:05 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 – Mayor Ortega

Mayor's Report

Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they continue their fight for freedom and democracy.

Mayor Ortega invited everyone to Scottsdale's 10th Annual 4th of July Celebration at WestWorld from 5 p.m. to 9 p.m. There will be live entertainment and a spectacular fireworks show. On behalf of the City Council, he wished everyone a safe holiday and to enjoy celebrating America.

Possible Executive Session

Notice is hereby given that, at any time during tonight's meeting, the Council may make a motion to recess into Executive Session to discuss and consult with the attorneys and representatives of the public body to obtain legal advice on any applicable item on tonight's agenda. If authorized by a majority vote of the Council, the Executive Session will be held immediately after the vote and will not be open to the public. A.R.S. §38-431.03(A)(3). The public meeting will resume following the Executive Session.

Public Comment – Lee Kauftheil commented on helping the homeless population and activities at recovery houses. Tom Frenkel noted the Council was elected and encouraged civility and respect for the institution from the public and Councilmembers.

Public Comment time is reserved for Scottsdale citizens, business owners, and/or property owners to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Advocacy for or against a candidate or ballot measure during a Council meeting is not allowed pursuant to State law and is therefore not deemed to be within the Council's jurisdiction.

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.

*****A1. Added Item**

Item No. 40A was added to the agenda on June 22, 2023, and requires a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or continue the added items to the next scheduled Council meeting, which is July 10, 2023.

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

CONSENT AGENDA ITEMS 1-40A

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 40A, except for Item No. 11 [McDowell Mountain Manor Abandonment (1-AB-2021)] and Item No. 12 [Sereno Canyon – McDowell Mountain Manor Replat (16-PP-2017#27)] which was continued to a date to be determined at the request of applicant; Item No. 14 [Booster Pump Station 83 A/B Rehabilitation Project Construction Phase Services Contract] which was continued to the July 11, 2023 Council Meeting Agenda at the request of staff; and Item No. 25 [Experience Scottsdale Destination Marketing Plan], Item No. 31 [Fiscal Year (FY) 2022/23 Operating and Capital Budget Adjustments and Cash Transfer] and Item No. 40A [Homeless Shelter and Service Funding Agreement] which was moved to the Regular Agenda. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

CONSENT AGENDA

1. **BKB Northsight Liquor License (27-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.
Location: 15600 N. Hayden Road, Building B
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Set Jet Liquor License (28-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 8 (conveyance) State liquor license for a new location and owner.
Location: 15011 N. 75th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Arizona Froze Liquor License (29-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.
Location: 4151 N. Marshall Way, Suite 7
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Eleanor Liquor License (30-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.
Location: 3207 N. Hayden Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Yellow Spruce Roasters Liquor License (32-LL-2023) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a location/owner transfer of a Series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 3902 N. Brown Avenue, Suites 101-102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

6. **Permanent Extension of Premise for Liberty Station American Tavern & Smoke House (2-EX-2023) – 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 the restaurant.
Location: 34522 N. Scottsdale Road, Suites D 160 and 180
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Unique Motorsports Outdoor Vehicle Display Conditional Use Permit (5-UP-2023) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12841** approving a Conditional Use Permit for vehicle sales with outdoor display on a ±1.23-acre site with Highway Commercial (C-3) zoning.
Location: 2115 N. Scottsdale Road
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
8. **Khan Residence Abandonment (4-AB-2022) – Approved on Consent.**
Request: Adopt **Resolution No. 12732** authorizing the abandonment of portions of the “old” E. Cholla Drive alignment, adjacent to Parcel No. 217-27-015B, with Single-Family Residential District (R1-43) zoning.
Location: 10634 E. Cholla Lane
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
9. **Sonoran Sky Abandonment (1-AB-2009#2) – Approved on Consent.**
Request: Adopt **Resolution No. 12823** authorizing the abandonment of 55-foot E. Pinnacle Peak Road half-street right-of-way, the 40-foot roadway and public easement along the N. 124th Street alignment, the 30-foot roadway and public utility easement along the 122nd Street alignment (except the southern 250 feet), and the 30 to 60-foot roadway and public utility easement along E. Paraiso Drive within Parcel Nos. 217-09-019A, 217-09-019B, and 217-09-019C with Single-Family Residential, Environmentally Sensitive Lands (R1-130 ESL) zoning.
Location: Between the N. 122nd Street and N. 124th Street alignments, and between E. Paraiso Drive and E. Pinnacle Peak Road
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
10. **Sonoran Sky Final Plat (3-PP-2006#3) – Approved on Consent.**
Request: Approve the final plat to establish a 13-lot residential subdivision, including amended standards, on approximately 40 acres with Single-Family Residential District, Environmentally Sensitive Lands (R1-130/ESL) zoning.
Location: Between the N. 122nd Street and N. 124th Street alignments, and between E. Paraiso Drive and E. Pinnacle Peak Road
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
11. **McDowell Mountain Manor Abandonment (1-AB-2021) – Continued to a to be determined City Council meeting date.**
Request: At the request of the applicant, continue to a to be determined City Council meeting date.
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

12. [Sereno Canyon – McDowell Mountain Manor Replat \(16-PP-2017#27\) – Continued to a to be determined City Council meeting date.](#)
Request: At the request of the applicant, continue to a to be determined City Council meeting date.
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
13. [1st Street Townhomes Rezoning \(17-ZN-2022\) – Approved on Consent.](#)
Request: Adopt **Ordinance No. 4598** approving a zoning district map amendment from Downtown, Office Commercial, Type 2, Downtown Overlay (D/OC-2 DO) and Downtown, Office Residential, Type 2, Downtown Overlay (D/OR-2 DO) to Downtown, Downtown Multiple Use, Type 2, Downtown Overlay (D/DMU-2 DO) for a new townhome development with 12 units on a ±0.53-acre site.
Location: 7515 and 7521 E. 1st Street
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
14. [Booster Pump Station 83 A/B Rehabilitation Project Construction Phase Services Contract – Continued to the July 11, 2023 City Council meeting agenda.](#)
Request: Adopt **Resolution No. 12825** authorizing Construction Manager at Risk Contract No. 2021-156-COS-A2 with MGC Contractors, Inc., in an amount not to exceed \$8,805,609.46, to provide phase three construction services for the Booster Pump Station 83 A/B Rehabilitation Project.
Location: Northwest corner of Frank Lloyd Wright Boulevard and 90th Street
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
15. [Repair Lakes and Irrigation at Vista del Camino Park in the Indian Bend Wash Construction Phase Services Contract – Approved on Consent.](#)
Request: Adopt **Resolution No. 12857** authorizing Construction Manager at Risk Contract No. 2023-006-COS-A1 with Valley Rain Construction Corporation, in an amount not to exceed \$1,933,584.69, to provide phase two construction services for Bond 2019 Project 23 – Repair Lakes and Irrigation at Vista del Camino Park in the Indian Bend Wash.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
16. [Traffic Signal Improvements Construction Bid – Approved on Consent.](#)
Request: Adopt **Resolution No. 12875** authorizing Construction Bid Award No. IFB-012023-052 with NorthStar Communications, Inc., the lowest responsive bidder, in the amount of \$998,852.96, for the construction of traffic signal improvements.
Locations: 64th Street and Osborn Road; Scottsdale Road and 1st Avenue; and Scottsdale Road and Dove Valley Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
17. [Fiscal Year \(FY\) 2023/24 Human Services Program Funding – Approved on Consent.](#)
Request: Adopt **Resolution No. 12765** approving the recommendations of the Human Services Commission and authorizing:
 1. The allocation of FY 2023/24 Scottsdale Cares Program funding, in the amount of \$160,000, to agencies supporting a variety of human services programs.
 2. The distribution of Scottsdale Endowment Program funding, in the amount of \$8,600, to the McDowell Sonoran Conservancy for their Expedition Days: Taking STEM Learning Out to the Natural Environment Program and the Arizona Burn Foundation.
 3. The allocation of FY 2023/24 Salt River Pima-Maricopa Indian Community funds, in the amount of \$104,967, supporting home delivered meals.
 4. The Mayor to execute contracts with agencies for services and programs that exceed the current formal bid limit of \$50,000.
 5. The Assistant City Manager, or designee, to execute contracts with non-profit agencies for programs and services that do not exceed the formal bid limit of \$50,000.

6. The Community Assistance Manager to adjust each organization's recommended funding award by the appropriate percentage should any final funding amounts differ from the amounts estimated in this Resolution and corresponding exhibit.
7. The Assistant 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): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov

18. **Sports Fields Maintenance Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12818** to authorize:

1. Agreement No. 2023-062-COS with Scottsdale Unified School District No. 48 in the amount of \$157,000 for assistance in the rehabilitation and maintenance of certain sports fields located on school property that are used in City youth sports and recreation programs.
2. The Parks and Recreation Director, 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): Nick Molinari, Parks and Recreation Director, 480-312-1011, nmolinar@scottsdaleaz.gov

19. **Community Action Program Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12839** to authorize:

1. Agreement No. 2022-094-COS-A2 with the Maricopa County Human Services Department for the purpose of accepting \$408,375 to operate the City's Community Action Program, providing crisis management and financial services to prevent poverty and homelessness.
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): Greg Bestgen, Human Services Director, 480-312-0104, gbestgen@scottsdaleaz.gov

20. **Workforce Development Services Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 12840** to authorize:

1. Agreement No. 2023-075-COS with Maricopa County to share costs for workforce development services at the Vista del Camino Community Center.
2. A Budget Transfer, of up to \$53,876, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency budget to a grant cost center to record the related grant activity.
3. 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): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov

21. **First Things First Grant Acceptance for the Scottsdale Family Resource Center – Approved on Consent.**

Request: Adopt **Resolution No. 12852** to authorize:

1. Agreement No. 2023-082-COS with the Arizona Early Childhood Development and Health Board (First Things First), to accept a grant, in the amount of up to \$250,000, for the Scottsdale Family Resource Center.
2. A Budget Transfer, in the amount of \$250,000, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.
3. The Human Services Director to execute all documents necessary for the acceptance and administration of the grant.

Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov

22. **Community Fishing Program Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12868** to authorize:
1. Agreement No. 2018-061-COS-A1, the first amendment to the intergovernmental agreement with the Arizona Game and Fish Commission, in an amount not to exceed \$13,806 for the additional renewal period, and not to exceed \$80,786 over the agreement's six-year term, to support a community fishing program at Chaparral Lake and Eldorado Pond.
2. The Parks and Recreation Director, 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): Nick Molinari, Parks and Recreation Director, 480-312-1011, nmolinar@scottsdaleaz.gov
23. **On-Call Environmental Assessments and Consulting Services – Approved on Consent.**
Request: Adopt **Resolution No. 12872** authorizing Contract No. 2023-113-COS with Partner Assessment Corporation, doing business as Partner Engineering and Science, Inc., in an amount not to exceed \$40,000 annually, for on-call environmental assessments and consulting services for federally-funded projects.
Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov
24. **Regional Economic Development Marketing Services Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12829** authorizing Agreement No. 2023-066-COS with the Greater Phoenix Economic Council, in the amount of \$119,956, for regional economic development marketing services.
Staff Contact(s): Rob Millar, Economic Development Director, 480-312-2533, rmillar@scottsdaleaz.gov
25. **Experience Scottsdale Destination Marketing Plan**
Request: Adopt **Resolution No. 12810** authorizing the Fiscal Year 2023/24 Strategic Business Plan, Performance Standards, and Contract Budget under Destination Marketing Services Contract No. 2022-054-COS with the Scottsdale Convention and Visitors Bureau, Inc., doing business as Experience Scottsdale.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
– Tourism and Event Director Karen Churchard gave a PowerPoint presentation.
– Mayor Ortega made a motion to adopt Resolution No. 12810 authorizing the Fiscal Year 2023/24 Strategic Business Plan, Performance Standards, and Contract Budget under Destination Marketing Services Contract No. 2022-054-COS with the Scottsdale Convention and Visitors Bureau, Inc., doing business as Experience Scottsdale. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.
26. **Scottsdale Arts Financial Participation Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12811** authorizing Agreement No. 2023-057-COS with Scottsdale Cultural Council, doing business as Scottsdale Arts, for Fiscal Year 2023/24 in the amount of \$6,165,500, to be allocated for activities consistent with Management Services Agreement No. 2020-046-COS.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
27. **Scottsdale Museum of the West Financial Participation Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 12812** authorizing Financial Participation Agreement No. 2023-058-COS with Scottsdale Museum of the West, Inc., for Fiscal Year 2023/24 in the amount of \$650,000, to be allocated for activities consistent with Museum Management Agreement No. 2021-088-COS.

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

28. **Tourism Event Funding Programs – Approved on Consent.**

Request: Adopt the following resolutions authorizing use of the Tourism Development Fund for Fiscal Year 2023/24 events that meet the criteria of the following Tourism Event Funding programs:

1. **Resolution No. 12864** authorizing the Event Venue Fee Funding Program and the Mayor to execute individual agreements with each event producer.
2. **Resolution No. 12865** authorizing the Community Event Funding Program and the Mayor to execute individual agreements with each event producer for funding of \$30,000 or less, while agreements for funding of more than \$30,000 will be subject to Council approval.
3. **Resolution No. 12866** authorizing the Matching Event Advertising Funding Program and the Mayor to execute individual agreements with each event producer.
4. **Resolution No. 12867** authorizing the Event Development Funding Program, subject to Council approval of such agreements, and authorizing staff to use the New Event Development Guidelines to evaluate whether an event qualifies for funding.

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

29. **Audit Committee Recommendation for the Tourism Development Commission Sunset Review – Approved on Consent.**

Request: Accept the Audit Committee's recommendation and authorize the continuation of the Tourism Development Commission.

Staff Contact(s): Lai Cluff, Acting City Auditor, 480-312-7851, lcluff@scottsdaleaz.gov

30. **Audit Committee Recommendation for the Veterans Advisory Commission Sunset Review – Approved on Consent.**

Request: Accept the Audit Committee's recommendation and authorize the continuation of the Veterans Advisory Commission.

Staff Contact(s): Lai Cluff, Acting City Auditor, 480-312-7851, lcluff@scottsdaleaz.gov

31. **Fiscal Year (FY) 2022/23 Operating and Capital Budget Adjustments and Cash Transfer**

Request: Adopt **Resolution No. 12809** to authorize:

1. FY 2022/23 operating and capital improvement plan budget adjustments for the purpose of complying with Ordinance No. 4551 and accurately expensing the FY 2022/23 budget.
2. A cash transfer from the FY 2022/23 Special Event Parking Fund within the Operating Budget Special Programs Fund to the FY 2022/23 WestWorld Parking Access Masterplan (DJ04) Capital Improvement Plan project.

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

– Budget Director Judy Doyle gave a PowerPoint presentation.

– Councilmember Graham made a motion to adopt Resolution No. 12809. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

32. **Monthly Financial Report – Approved on Consent.**

Request: Accept the Fiscal Year 2022/23 Monthly Financial Report as of April 2023.

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

33. **Arizona Child and Family Advocacy Network Grant – Approved on Consent.**

Request: Adopt **Resolution No. 12882** to authorize:

1. The acceptance of a grant in the amount of \$48,254.10 from the Arizona Governor's Office of Strategic Planning and Budgeting on behalf of the Arizona Child and Family Advocacy Network.
2. The Chief of Police, or designee(s), 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, of up to \$48,255, from the adopted Fiscal Year 2023/24 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

34. Duties of the City Manager Code Amendment – Approved on Consent.

Request: Adopt **Ordinance No. 4601** amending Scottsdale Revised Code, Chapter 2, Administration, Article III, Officers and Employees, Division 3, City Manager, Section 2-91, Duties of the City Manager, to authorize the City Manager to execute certain contracts that do not exceed the procurement code's limit for micro purchases.

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov

35. Loss Trust Fund Code Amendment and Declaration of Trust Amendment – Approved on Consent.

Requests:

1. Adopt **Ordinance No. 4599** amending Scottsdale Revised Code, Chapter 2, Administration, Article IV, Financial Affairs, Division 3, Risk Management, Section 2-170, Loss trust fund, to allow for the initial deductible of any property loss paid under the loss trust fund to be modified annually as determined by the Safety and Risk Management Director in consultation with the City Attorney and City Treasurer; and that such loss be paid by the separate departments within the city.
2. Adopt **Resolution No. 12842** authorizing Contract No. 2012-144-COS-A2 amending the Declaration of Trust for the City of Scottsdale Self-Insured Loss Trust Fund "Trust" to be comply with Ordinance No. 4599, which codifies this change.

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

36. Gila River General Stream Adjudication – Approved on Consent.

Request: Adopt **Resolution No. 12850** to authorize:

1. Legal Services Contract No. 2023-080-COS with Engelman Berger, P.C., in an amount not to exceed \$40,000, for the continued legal representation in the Gila River General Stream Adjudication for Fiscal Year 2023/24.
2. The City Attorney to approve a one-year extension of the contract and execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.

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

37. Purchase of Property-Casualty Insurance for the Period of July 1, 2023, to July 1, 2024 – Approved on Consent.

Request: Adopt **Resolution No. 12856** to authorize:

1. The purchase of property-casualty insurance, including general liability, law enforcement liability, vehicle liability, public officials' errors and omissions, property, workers' compensation, cyber liability, aviation drone, and airport liability insurance for Fiscal Year (FY) 2023/24.
2. The Risk Management Director, or designee, to execute such documents and take all other actions and sign all other documents necessary and proper to purchase the policies authorized by this Resolution for FY 2023/24.

Staff Contact(s): George Woods, Risk Management Director, 480-312-7040, gwoods@scottsdaleaz.gov

38. Sewer Damage Claims Settlements – Approved on Consent.

Request: Adopt **Resolution No. 12837** to authorize:

1. Settlement of claims with Show Season, Inc., in the amount of \$77,709.95; Source Performance in the amount of \$57,000; and Travelers Insurance as subrogee of Gubernick Family Holdings II in the amount of \$30,000, as a result of a sewage overflow incident at 14201 N. Hayden Road from funds to be paid from the City's Risk Management Operating Budget.

2. The City Manager, City Treasurer, and City Attorney, and their respective designees, to execute a standard release of all claims approved by the City Attorney and such other documents as are necessary to carry out the intent of this Resolution.

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

39. Dominguez v. City of Scottsdale Settlement Agreement – Approved on Consent.

Request: Adopt **Resolution No. 12874** to authorize:

1. Agreement No. 2023-115-COS with Andres Dominguez, in the amount of \$150,000, to settle *Andres Dominguez v. City of Scottsdale, et al.*, Case No. 2:21-cv-00089-SRB-MTM, currently pending in the United States District Court, District of Arizona.
2. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute such documents and take such other actions as necessary to carry out the purpose of this Resolution.

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

40. Lopez v. City of Scottsdale Settlement Agreement – Approved on Consent.

Request: Adopt **Resolution No. 12881** to authorize:

1. Agreement No. 2023-116-COS with Ana Lopez, in the amount of \$55,000, to settle *Ana Lopez v. City of Scottsdale, et al.*, Case No. CV2023-091026, currently pending in Maricopa County Superior Court.
2. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute such documents and take such other actions as necessary to carry out the purpose of this Resolution.

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

*****40A. Homeless Shelter and Service Funding Agreement**

Request: Adopt **Resolution No. 12888** to authorize:

1. Agreement No. 2023-123-COS with the Arizona Department of Housing to receive a grant of up to \$940,000, to be used for expanding the City's Bridge Housing Program and to provide supportive services to the homeless.
2. A Budget Transfer, of up to \$940,000, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency budget to a newly created cost center to record the related grant activity.
3. The City Manager, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.

Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov

– Human Services Department Director Greg Bestgen gave a presentation.

– Mayor Ortega made a motion to adopt Resolution No. 12888 authorizing Agreement No. 2023-123-COS with the Arizona Department of Housing. Councilwoman Janik seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Janik, and Whitehead voting in the affirmative and Councilmember Graham dissenting.

REGULAR AGENDA **ITEMS 41-44**

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

41. Fiscal Year (FY) 2023/24 Property Tax Levies

Request: Adopt **Ordinance No. 4595** assessing the FY 2023/24 primary and secondary property tax levies and fixing the primary and secondary property tax rates.

Presenter(s): Sonia Andrews, City Treasurer

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

– City Treasurer Sonia Andrews gave a PowerPoint presentation.

– Councilwoman Caputi made a motion to approve Fiscal Year (FY) 2023/24 property tax levies and adopt Ordinance No. 4595. Councilwoman Whitehead seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Janik, and Whitehead voting in the affirmative and Councilmember Graham dissenting.

42. [Fiscal Year \(FY\) 2023/24 Streetlight Improvement District Property Tax Levy](#)

Request: Adopt **Ordinance No. 4596** assessing the FY 2023/24 Municipal Streetlight Improvement District property tax levy by district in accordance with Arizona Revised Statutes and the City Charter.

Presenter(s): Sonia Andrews, City Treasurer

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

– City Treasurer Sonia Andrews gave a PowerPoint presentation.

– Councilmember Durham made a motion to adopt Ordinance No. 4596. Councilmember Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

43. [Intentionally Created Surplus Preservation Agreement](#)

Request: Adopt **Resolution No. 12824** to authorize:

1. Agreement No. 2023-063-COS with the State of Arizona, acting through the Arizona Department of Water Resources and Central Arizona Water Conservation District for the Preservation of Intentionally Created Surplus for Colorado River water storage.
2. The Water Resources Executive Director, and City Attorney, and their respective designees, to execute such documents and take such other actions as necessary to carry out the intent of this Resolution.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director and Gretchen Baumgardner, Water Policy Manager

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

– Water Policy Manager Gretchen Baumgardner gave a PowerPoint presentation.

– Councilwoman Whitehead made a motion to adopt Resolution No. 12824 to authorize the intentionally created surplus preservation agreement. Councilmember Graham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

44. [System Conservation Implementation Agreement](#)

Request: Adopt **Resolution No. 12817** to authorize:

1. Agreement No. 2023-061-COS with the US Bureau of Reclamation and Central Arizona Water Conservation District to implement the Lower Colorado Conservation and Efficiency Program to conserve a portion of Scottsdale's Central Arizona Project water in Lake Mead in exchange for compensation.
2. The Water Resources Executive Director, and City Attorney, and their respective designees, to execute such documents and take such other actions as necessary to carry out the intent of this Resolution.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director and Gretchen Baumgardner, Water Policy Manager

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

– Water Policy Manager Gretchen Baumgardner gave a PowerPoint presentation.

– Councilwoman Whitehead made to adopt Resolution No. 12817 to authorize Agreement No. 2023-061-COS with the US Bureau of Reclamation and Central Arizona Water Conservation District to implement the Lower Colorado Conservation and Efficiency Program to conserve a portion of Scottsdale's Central Arizona Project water in Lake Mead in exchange for compensation. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice

Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

Public Comment – None

Public Comment time is reserved for Scottsdale citizens, business owners, and/or property owners to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Advocacy for or against a candidate or ballot measure during a Council meeting is not allowed pursuant to State law and is therefore not deemed to be within the Council's jurisdiction.

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 45

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.

45. 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

Adjournment – 7:05 P.M.

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