

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[ADDED ITEM NOS. 11A AND 14]**

### **COUNCIL**

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Betty Janik

Kathleen S. Littlefield

Linda Milhaven

Solange Whitehead

**Tuesday, January 19, 2021**

*Until further notice, City Hall is closed to the public during Council meetings and these meetings are being held electronically. While physical facilities are not open to the public, City Council meetings are 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 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 2, 2021).*

*Spoken comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 14). To sign up to speak on these items, please click [here](#). Spoken comment is also being accepted on items that are within the Council's jurisdiction but are not on the agenda (maximum of five speakers). To sign up to speak on a non-agendized item that is within the Council's jurisdiction, please click [here](#). Request to speak forms must be submitted no later than 90 minutes before the start of the meeting. 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](#), or on the "click here to submit a written comment on an item" link located at the top of each page of the agenda.*

**5:00 P.M.**

**Marked Agenda**

### **REGULAR CITY COUNCIL MEETING**

Meeting to be held electronically.

**Call to Order – 5:00 P.M.**

**Roll Call – All present**

*One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).*

**Mayor's Report – None**

**City Manager's Report – Economic Development Reaccreditation – None**



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)

**Public Comment – Valeri Marsh and Leon Lyons commented on 4G and 5G wireless facilities.**

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment."**

## ADDED ITEMS

**Added Items:** 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. 11A was added to the agenda on January 14, 2021 and requires a separate vote to remain on the agenda. (Item No. 14 was also added to the agenda on January 14, 2021, as the result of Council action on January 12, 2021, and does not require a separate vote to remain on the agenda.)

**Request:** Vote to accept the agenda as presented or continue the added item to the next scheduled Council meeting, which is February 2, 2021.

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

## CONSENT AGENDA ITEMS 1-11A

**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 Caputi made a motion to approve Consent Agenda Items 1 through 11A. Councilwoman Janik seconded the motion, which carried 7/0, by roll call vote, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, Littlefield, and Milhaven voting in the affirmative.**

1. **[Verizon PHO Loop Drop Conditional Use Permit \(13-UP-2020\)](#) – Approved on Consent.**

**Request:** Find that the conditional use permit criteria have been met and adopt

**Resolution No. 12027** approving a Conditional Use Permit for a new Type 4 Alternative Concealment Wireless Communication Facility concealed within a 59-foot-tall artificial palm tree with associated ground mounted equipment, located at 8901 E. Mountain View Road, with Highway Commercial Planned Community District (C-3 PCD) zoning.

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

2. **[T-Mobile PH23001J Desert Mountain Cactus Conditional Use Permit \(22-UP-2003#4\)](#) – Approved on Consent.**

**Request:** Find that the conditional use permit criteria have been met and adopt

**Resolution No. 12028** approving a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication Facility concealed within a 30-foot-tall artificial cactus on a 26± acre site located at 39730 N. Cave Creek Road, with Open Space Environmentally Sensitive Lands District (O-S ESL) zoning.

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

3. **Storyrock 2A Final Plat (5-PP-2016#9) – Approved on Consent.**

**Request:** Approve the final plat for Storyrock 2A of the Master Plat for the Storyrock subdivision for 39 lots and tracts on 462± acres zoned Planned Community District, Environmentally Sensitive Lands, with multiple Single-Family Residential District comparable zonings (R1-18 ESL, R1-43 ESL, R1-35 ESL and R1-70 ESL).

**Location:** Northeast corner of N. 128<sup>th</sup> Street and E. Alameda Road

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

4. **Storyrock 1C Phase 2 Replat (5-PP-2016#8) – Approved on Consent.**

**Request:** Approve the final plat for Storyrock 1C Phase 2 to replat Phase 1C of the Master Plat for the Storyrock subdivision for 47 lots and tracts on 462± acres zoned Planned Community District, Environmentally Sensitive Lands, with multiple Single-Family Residential District comparable zonings (R1-18 ESL, R1-43 ESL, R1-35 ESL and R1-70 ESL).

**Location:** Northeast corner on N. 130<sup>th</sup> Street Alignment and E. Alameda Road

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

5. **Independent Ethics Reviewers Professional Services Contracts – Approved on Consent.**

**Request:** Adopt **Resolution No. 12020** authorizing the following professional services contracts to allow retired judges to serve as independent ethics reviewers, as required by Scottsdale Revised Code Section 2-57:

1. Contract No. 2021-001-COS with Robert B. Donfeld
2. Contract No. 2021-002-COS with Jay Davis

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

6. **Cafeteria Plan Amendment – Approved on Consent.**

**Request:** Adopt **Resolution No. 12036** authorizing an amendment to the City of Scottsdale Cafeteria Plan Second Amendment to allow certain prospective midyear election changes to Dependent Care Assistance Plan (DCAP) accounts and participants to apply credits in their Health Flexible Spending Account and DCAP accounts existing as of the plan year ending June 30, 2020.

**Staff Contact(s):** Donna Brown, Human Resources Director, 480-312-2615, [dbrown@scottsdaleaz.gov](mailto:dbrown@scottsdaleaz.gov)

7. **Fuel Reduction Mitigation Program Subgrantee Reimbursement Agreement – Approved on Consent.**

Adopt **Resolution No. 12035** to authorize:

1. Subgrantee Reimbursement Agreement No. 2021-008-COS with Maricopa County, Department of Emergency Management, to accept a grant in the amount of \$19,718 for a fuel reduction mitigation program in support of the County Community Wildfire Protection Program.
2. A budget transfer in the amount of \$19,718 from the FY 2020/21 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)

8. **Arizona Sun Circuit Quarter Horse Show – Approved on Consent.**

**Request:** Adopt **Resolution No. 12034** to authorize:

1. New Event Funding Agreement No. 2021-007-COS with the Arizona Quarter Horse Association in an amount of up to \$75,000 per year for a three-year term.
2. A FY 2020/21 Tourism Development Fund operating contingency transfer in an amount not to exceed \$75,000 to the Tourism and Events Department Operating Budget to support the Arizona Sun Circuit event.

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

9. **Budget Appropriation Transfers for Drainage Master Studies and Plans – Approved on Consent.**

**Request:** Adopt **Resolution No. 12022** to authorize:

1. A FY 2020/21 cash transfer in the amount of \$50,000 from the CIP In Lieu Stormwater Fund to the Operating Special Programs Fund.
2. A FY 2020/21 Operating Special Programs Fund contingency appropriation transfer in the amount of \$50,000 to two newly created operating projects under the Special Programs Fund to be titled “*East Shea Corridor Area Drainage Master Study and Plan*” (\$25,000) and “*Desert Mountain Area Drainage Master Study and Floodplain Delineation*” (\$25,000).

**Staff Contact(s):** Ashley Couch, Drainage and Flood Control Program Manager, 480-312-4317, [acouch@scottsdaleaz.gov](mailto:acouch@scottsdaleaz.gov)

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

**Request:** Accept the FY 2019/20 Monthly Financial Report as of June 2020 (fiscal year-end).

**Staff Contact(s):** Sylvia Dlott, Acting Budget Director, 480-312-2419, [sdlott@scottsdaleaz.gov](mailto:sdlott@scottsdaleaz.gov)

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

**Request:** Accept the FY 2020/21 Monthly Financial Report as of November 2020.

**Staff Contact(s):** Sylvia Dlott, Acting Budget Director, 480-312-2419, [sdlott@scottsdaleaz.gov](mailto:sdlott@scottsdaleaz.gov)

\*\*\*11A. **Arizona Corporation Commission Energy Rule – Approved on Consent.**

**Request:** Adopt Resolution No. 12062 authorizing the Mayor and City Councilmembers to sign a letter to the Arizona Corporation Commission (ACC) supporting adoption of the proposed new Energy Rule currently under consideration (ACC Docket Number RU-00000A-18-0284).

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

## **REGULAR AGENDA**      **ITEMS 12-14**

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

12. **Shaw Butte Abandonment (11-AB-2019)**

**Request:** Adopt **Resolution No. 12030** authorizing the abandonment of 13 feet of General Land Office Patent (GLO) easement along the northern boundary, 8-feet of the GLO easement along the eastern boundary, and 33-feet of the GLO easement along the southern boundary of a property with Single-Family Residential (R1-43) zoning.

**Location:** 10535 E. Cactus Road

**Presenter(s):** Kathryn Posler, City Planner

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

– **City Planner Katie Posler presentation.**

– **Vice Mayor Whitehead made a motion to approve Shaw Butte Abandonment (11-AB-2019). Councilmember Durham seconded the motion, which carried 7/0, by roll call vote, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, Littlefield, and Milhaven voting in the affirmative.**

13. **Bicycle and Related Devices Code Amendments**

**Requests:**

1. Adopt **Ordinance No. 4486** amending Scottsdale Revised Code, Chapter 17, Motor Vehicles and Traffic, Sections 17-76, 17-78, 17-80 through 17-87, 17-89 through 17-91, 17-93 through 17-97, and 17-99 relating to bicycles and related devices, including electric bicycles and scooters.

2. Adopt **Ordinance No. 4488** amending Scottsdale Revised Code, Chapter 20, Parks, Recreation and Cultural Affairs, Sections 20-31, 20-117, and 20-132 regulating the use of electric bicycles, electric scooters, and similar devices.
3. Provide possible direction on whether to conduct additional public outreach on a device sharing licensing ordinance and schedule for possible adoption by the City Council at a later date.

**Presenter(s):** Mark Melnychenko, Transportation and Streets Director

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

**– Transportation and Streets Director Mark Melnychenko presentation.**

**– Vice Mayor Whitehead made a motion to continue Item 13 to a date to be determined.**

**Councilwoman Littlefield seconded the motion, which carried 7/0, by roll call vote, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, Littlefield, and Milhaven voting in the affirmative.**

**\*\*\*14. General Plan Task Force**

**Request:** Presentation from staff regarding the General Plan process and timeline, and discuss, consider, and provide possible direction or take possible action on:

- a. Options for additional public outreach and input and potential responsive revisions to the draft General Plan 2035; and/or
- b. Adopt Resolution No. 12056 creating a seven-member task force charged with reviewing the entire Citizen Review Committee recommended draft General Plan 2035, receiving citizen input, and then presenting it as modified to the community, Planning Commission, and Council for review and a vote.

**Presenter(s):** Erin Perreault, Planning and Development Area Director

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

**– Planning and Development Area Director Erin Perreault presentation.**

**– Councilwoman Littlefield made a motion to continue the process with additional and open public comment. Councilwoman Janik seconded the motion, which carried 7/0, by roll call vote, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, Littlefield, and Milhaven voting in the affirmative.**

**Mayor and Council Items – None**

**Adjourn the City Council Regular Meeting and Convene the City Council Work Study Session – 7:10 P.M.**

## **CITY COUNCIL WORK STUDY SESSION**

**– City Council Work Study Session called to order at 7:15 p.m.**

**Roll Call – All present**

**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.

1. **Monthly Financial Update and Quarterly CIP Update**

**Request:** Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of November and December 2020.

**Presenter(s):** Judy Doyle, Acting City Treasurer; Dave Lipinski, City Engineer

**Staff Contact(s):** Sylvia Dlott, Acting Budget Director, 480-312-2419, [sdlott@scottsdaleaz.gov](mailto:sdlott@scottsdaleaz.gov)

**– Acting City Treasurer Judy Doyle and City Engineer Dave Lipinski presentations.**

2. **Monthly Financial Study Session**

**Request:** Presentation, discussion, and possible Council direction regarding the monitoring of FY 2020/21 revenues and expenditures.

**Presenter(s):** Jim Thompson, City Manager

**Staff Contact(s):** Sylvia Dlott, Acting Budget Director, 480-312-2419, [sdlott@scottsdaleaz.gov](mailto:sdlott@scottsdaleaz.gov)

**– City Manager Jim Thompson presentation.**

**Adjournment – 8:00 P.M.**