

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Tuesday, August 22, 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 (September 5, 2023).

In-person spoken public comment is being accepted on Items 1 through 16. 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, August 22, 2023

Page 2 of 8

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 – Vice Mayor Littlefield

Mayor's Report

– Mayor Ortega stated that 32 years ago Ukraine declared its independence and noted those children born 32 years ago are now fighting for their freedom. He asked for a moment of silent reflection for the people of Ukraine as they continue their fight for freedom and democracy.

– Mayor Ortega announced that the annual League of Arizona Cities and Towns Conference is next week in Tucson. The City will be proposing several resolutions regarding short term rentals related to density, proximity, and limiting the number of short term rentals allowed.

– Mayor Ortega announced openings on several city Boards and Commissions. He invited interested residents to apply and noted applications are being accepted through August 31st on the city's website scottsdaleaz.gov and search for boards and commissions. Mayor Ortega noted the spirit of service is alive and well in Scottsdale and cited the numerous volunteer positions throughout the City.

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 – 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."**

MINUTES

Request: Approve the following Council meeting minutes from July 2023:

- a. [Special Meeting Minutes of July 10, 2023](#)
- b. Executive Session Minutes of July 10, 2023
- c. [Regular Meeting and Work Study Session Minutes of July 10, 2023](#)
- d. [Special Meeting Minutes of July 11, 2023](#)

e. Executive Session Minutes of July 11, 2023

f. [Regular Meeting Minutes of July 11, 2023](#)

– Vice Mayor Littlefield made a motion to approve Special Meeting Minutes of July 10, 2023; Executive Session Minutes of July 10, 2023; Regular Meeting and Work Study Session Minutes of July 10, 2023; Special Meeting Minutes of July 11, 2023; Executive Session Minutes of July 11, 2023; and Regular Meeting Minutes of July 11, 2023. Councilmember Durham 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 1-15

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.

– There was no Public Comment on the Consent Agenda.

– Councilmember Graham made a motion to approve Consent Agenda Items 1 through 15, except Item 11 [Arizona Major Events Host Committee Agreement] and Item 12 [Healthy Forest Initiative Grant] which were moved to the Regular Agenda. Councilwoman 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.

1. [Khao Thai & Sushi Liquor License \(43-LL-2023\)](#) – 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: 10855 N. Frank Lloyd Wright Boulevard, Suite 100

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

2. [Permanent Extension of Premises for Amelia's By Eat Patio \(3-EX-2023\)](#) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 12 (restaurant) State liquor license for an existing location to expand the patio.

Location: 8240 N. Hayden Road, Suite 106

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

3. [Second Story Conditional Use Permit \(2-UP-2023\)](#) – Approved on Consent.

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12862** approving a Conditional Use Permit for a bar with Downtown Office Commercial, Type 2, Downtown Overlay (D/OC-2 DO) zoning.

Location: 4166 N. Scottsdale Road, Suite 102

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

4. [Second Story Liquor License \(47-LL-2023\)](#) – 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 6 (bar) State liquor license for an existing location with a new owner.

Location: 4166 N. Scottsdale Road, Suite 102

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

5. [Morning Vista Abandonment \(11-AB-2018#2\)](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 12861** authorizing the request by several property owners to renew a previously expired abandonment of portions of East Morning Vista Road, including dedicated rights-of-way and roadway and public utility easements, with Single-Family Residential District, Environmentally Sensitive Lands (R1-190/ESL) zoning.

Location: East Morning Vista Road, between North 114th Street and North 116th Street

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

6. [Porter GLO Abandonment \(11-AB-2022\)](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 12860** authorizing the abandonment of 33-foot wide General Land Office (GLO) Patent roadway easement along with the south property line and the west 8-feet of the 33-foot wide GLO roadway easement along the east property line; exclusive of the public cul-de-sac with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.

Location: 28100 N. 77th Street

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

7. [Tuscany at McCormick Ranch Rezoning \(21-ZN-1997#2\) and Conditional Use Permit \(35-UP-1997#2\)](#) – **Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4605** approving a zoning district map amendment to modify the stipulations of previously adopted Ordinance No. 3053 via Case No. 21-ZN-1997, increasing the maximum number of units from 71 to 73 for a Residential Healthcare Facility on a ±3.5 acre site with Multiple-Family Residential Planned Community Development District (R-5 PCD) zoning.
2. Find that the conditional use permit criteria have been met and adopt **Resolution No. 12879** approving a Conditional Use Permit for a residential healthcare facility to modify the stipulations of Case No. 35-UP-1997 to increase the maximum number of units from 71 to 73 for a ±3.5 acre site with Multiple-Family Residential Planned Community Development District (R-5 PCD) zoning.

Location: 9000 E. San Victor Drive

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

8. [Pacesetter Rezone \(4-ZN-2023\)](#) – **Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4607** approving a zoning district map amendment from Planned Community District with comparable Industrial Park (PCD I-1) zoning to Planned Community District with comparable Commercial Office (PCD C-O) zoning, including approval of a development plan on a ±2-acre site.
2. Adopt **Resolution No. 12895** declaring the document titled “*Pacesetter Rezone Development Plan*” to be a public record.

Location: 17470 N. Pacesetter Way

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

9. [Scottsdale Road, South of 1st Street Right-of-Way Acquisition](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 12910** authorizing and directing that an easement interest in certain real property be acquired by the City of Scottsdale by dedication, donation, or purchase, or by the exercise of the power of eminent domain as a matter of public necessity to allow construction and installation of pavers to widen and improve a small section of existing sidewalk to provide additional clearance around an existing light pole.

Location: West side of Scottsdale Road, south of 1st Street

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

10. **Transportation Engineering Projects and Related Education and Employment Intergovernmental Agreement (IGA) – Approved on Consent.**

Request: Adopt **Resolution No. 12830** to authorize:

1. Agreement No. 2023-067-COS with the Arizona Board of Regents, on behalf of Northern Arizona University, to provide services associated with transportation projects in the City and authorizing the expenditure of funds.
2. The City Manager, or designee, to execute any other documents including individual project agreements or take such other actions as necessary to carry out the intent of this Resolution and IGA.
3. Project Service Agreements under the IGA to be funded through the Transportation and Streets Department's operating budget.

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

11. **Arizona Major Events Host Committee Agreement**

Request: Adopt **Resolution No. 12901** to authorize:

1. Funding, not to exceed \$432,000, to be made in two payments of \$216,000 in Fiscal Year 2023/24 from the Tourism Development Fund that is allocated toward destination marketing and retained by the City to support the regional hosting of the NCAA Men's Final Four Tournament in April 2024.
2. Event Funding Agreement No. 2023-126-COS with the Arizona Major Events Host Committee.

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

– Tourism Development Manager Steve Geiogamah gave a PowerPoint presentation.

– There was no public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 12901 authorizing Agreement No. 2023-126-COS with the Arizona Major Events Host Committee, a financial sponsorship agreement not to exceed \$432,000, to be made in two payments of \$216,000. Councilwoman 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.

12. **Healthy Forest Initiative Grant**

Request: Adopt **Resolution No. 12898** to authorize if awarded:

1. The acceptance of a Healthy Forest Initiative Grant, in the amount of up to \$500,000 to be spent over three, 12-month periods beginning in Fiscal Year 2023/24.
2. A Budget Transfer, of up to \$200,000, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency to a newly created cost center within the Fire Department's Operating Budget to record the first year of activity related to the Healthy Forest Initiative Grant.
3. A 30 percent grant match requirement to be a combination of in-kind through hours of various staff members associated with the projects for the grant and funded fire mitigation projects by various departments within the City.
4. 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 Grant.

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

– Fire Chief Tom Shannon gave a PowerPoint presentation.

– There was no public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 12898 authorizing:

1. The acceptance of a Healthy Forest Initiative Grant, in the amount of up to \$500,000 to be spent over three, 12-month periods beginning in Fiscal Year 2023/24.
2. A Budget Transfer, of up to \$200,000, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency to a newly created cost center within the Fire Department's Operating Budget to record the first year of activity related to the Healthy Forest Initiative Grant.
3. A 30 percent grant match requirement to be a combination of in-kind through hours of various staff members associated with the projects for the grant and funded fire mitigation projects by various departments within the City.
4. 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 Grant.

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.

13. **Department of Emergency and Military Affairs Grant – Approved on Consent**

Request: Adopt **Resolution No. 12909** to authorize if awarded:

1. Acceptance of a State of Arizona Department of Emergency and Military Affairs (DEMA) grant in the amount of \$500,000, for training, leasing of vehicles, purchasing of equipment, and overtime costs specifically for the Human Exploitation and Trafficking Unit.
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, of up to \$500,000, from the 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

14. **Vacation Rental Code Amendment – Approved on Consent.**

Request: Adopt **Ordinance No. 4609** amending Scottsdale Revised Code, Chapter 18, Article IX, Section 18-175, relating to additional health and public safety regulations.

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

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

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

Staff Contact(s): Ana Lia Johnson, Interim Budget Director, 480-312-7893, anjohanson@scottsdaleaz.gov

REGULAR AGENDA

ITEM 16

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

16. **The George Hotel Conditional Use Permit (16-UP-2007#2)**

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12877** approving an amendment to an existing Conditional Use Permit (16-UP-2007) for site plan amendments for a travel accommodation to allow for a new three-story hotel building, one-story gym/café, site improvements, and renovations and expansions to existing hotel buildings on a ±4.74-acre site with Multiple-Family Residential Planned Community District (R-5 PCD) zoning.

Location: 7330 N. Pima Road

Presenter(s): Katie Posler, Senior Planner

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

- Senior Planner Katie Posler gave a PowerPoint presentation.
- Applicant Representative John McGolgin, Senior Project Manager with FORS Architecture & Interiors and Andre Golnarzarian, Managing Member with Oasis 33, LLC gave a PowerPoint presentation.
- Mayor Ortega opened public comment on this item.
- James McDearmon, Scottsdale resident, noted past issues with the hotel and suggested installation of a barrier or fence between the hotel and condominium building and a more comprehensive plan to make the properties less segmented.
- Mayor Ortega closed public comment on this item.
- Councilwoman Caputi made a motion finding the Conditional Use Permit criteria have been met and to adopt Resolution No. 12877 approving an amendment to an existing Conditional Use Permit (16-UP-2007) for site plan amendments for a travel accommodation to allow for a new three-story hotel building, one-story gym/café, site improvements, and renovations and expansions to existing hotel buildings on a ±4.74-acre site with Multiple-Family Residential Planned Community District (R-5 PCD) zoning. 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.

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 17

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.

17. 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

ITEM 18

18. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for September 5, 2023)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration.

- Development Review Board (one vacancy) – **Councilwoman Janik nominated David Mason, Councilwoman Caputi nominated Julie Berry, Councilmember Graham nominated Thomas Kube and Councilmember Durham nominated Christopher Schroeder.**
- Judicial Appointments Advisory Board (one citizen member vacancy) – **No applications were received.**
- Library Board (two vacancies) – **Councilwoman Caputi nominated Freda Hartman and Leslie Totten, Councilmember Graham nominated Jan Dubauskas and Christine Wilson, and Councilmember Durham nominated John Wanat.**
- Parks and Recreation Commission (two vacancies) – **Councilmember Graham nominated Jamie Alford, Councilmember Durham nominated Susan McGarry and Michael Vreeland, Councilwoman Whitehead nominated Robert Blackwell, and Vice Mayor Littlefield nominated Dennis Soeffner.**
- Transportation Commission (one vacancy) – **Councilmember Durham nominated Denise Doctor, Councilwoman Whitehead nominated Lee Kauftheil, and Vice Mayor Littlefield nominated Robert Marmon.**

Note: The only Council action to be taken on Item No. 18 is to select nominees for appointment consideration at a future Council meeting.

Adjournment – 6:39 P.M.

– Councilwoman Whitehead made a motion to adjourn the Regular Meeting. 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.