

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

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

**[ADDED ITEM No. 10A]**



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**COUNCIL**

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

Betty Janik  
Kathleen S. Littlefield  
Solange Whitehead

**Monday, November 20, 2023**

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*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://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 (December 4, 2023).*

*In-person spoken public comment is being accepted on Items 1 through 10A. 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](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

**Call to Order – 5:00 P.M.**

**Roll Call – All present**

*One or more members of the Council may be attending the Council Meeting by telephone, video, or Internet conferencing, pursuant to A.R.S. §38-431(4).*

**Pledge of Allegiance – Councilwoman Janik**

**Mayor's Report**

**– Mayor Ortega called attention to the ongoing wars in foreign countries as they fight to protect their democracy and freedom and asked for a moment of silent reflection for these war-torn countries.**

**– Mayor Ortega commented on Thanksgiving week and the importance of giving thanks for one another, our families, and for the safety of our military.**

**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 – Kyle McGinley discussed zoning and parking concerns related to a business (spa / personal care services) that is affecting the Vista Bonita neighborhood. Brent Bieser commented about the challenges he is facing regarding a S-R zoned property located at Scottsdale Road and Vista Drive and the parking issues with the hotel across the street in the Town of Paradise Valley.**

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."**

## **CONSENT AGENDA      ITEMS 1-10A**

**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.

**– Councilmember Graham requested additional information on Item 1 [Ashler Hills Park Construction Phase Contract] and Item 6 [2024 State Legislative Agenda].**

**– There was no public comment on the Consent Agenda items.**

– Vice Mayor Whitehead made a motion to approve Consent Agenda Items 1 through 10A. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

1. **Ashler Hills Park Construction Phase Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 12969** authorizing Construction Manager at Risk Contract No. 2023-168-COS with Valley Rain Construction Corporation, in an amount not to exceed \$8,753,376, to provide construction services for the Bond 2019 Project 55 – Build a 17-Acre Neighborhood Park at Ashler Hills Drive and 74<sup>th</sup> Way (Whisper Rock).

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

– City Engineer Alison Tymkiw gave a PowerPoint presentation on the proposed Ashler Hills Park Construction Phase Contract.

2. **WestWorld Master Plan Phase II Services Engineering Services Contract Amendment – Approved on Consent.**

**Request:** Adopt **Resolution No. 12983** authorizing Contract No. 2022-100-COS-A1, the first amendment to the contract with Kimley-Horn and Associates, Inc., in the amount of \$385,360, for WestWorld Master Plan Phase II Services.

**Location:** 16601 N. Pima Road

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

3. **On-Call Electrical Engineering Services Contracts for Capital Improvement and Facilities Projects – Approved on Consent.**

**Request:** Adopt **Resolution No. 12979** authorizing the following on-call electrical engineering services contracts for two years with the option to extend for three additional one-year periods, in an amount not to exceed \$1,500,000 for the initial two-year term of each contract:

1. Contract No. 2023-188-COS with GLHN Architects & Engineers, Inc.
2. Contract No. 2023-189-COS with LSW Engineers Arizona, Inc.
3. Contract No. 2023-190-COS with Energy Systems Design, Inc.

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

4. **First Substantial Amendment to the Community Development Block Grant (CDBG) Fiscal Year (FY) 2023/24 Annual Action Plan – Approved on Consent.**

**Request:** Adopt **Resolution No. 12964** to authorize:

1. Approval of the first substantial amendment to the FY 2023/24 Annual Action Plan and authorize the:
  - a. City Manager, or designee, to submit the Annual Action Plan Amendment to the U.S. Department of Housing and Urban Development (HUD) and execute appropriate certifications.
  - b. The 2023/24 Annual Action Plan to reflect the reallocation of up to \$49,000 of FY 2023/24 CDBG Grant Public Services funds for a senior services Caseworker position that was originally allocated to fund an adolescent mental health services Caseworker position.
  - c. 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):** Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

5. **State Lobbying and Information Services Contract Amendment – Approved on Consent.**

**Request:** Adopt **Resolution No. 12973** authorizing Contract No. 2020-183-COS-A3, the third extension to the contract with The Aarons Company, LLC, in the annual amount of \$54,000, to provide state lobbying and information services on behalf of the City.

**Staff Contact(s):** Dale Wiebusch, Government Relations Director, 480-312-2683, [dwiebusch@scottsdaleaz.gov](mailto:dwiebusch@scottsdaleaz.gov)

6. **2024 State Legislative Agenda – Approved on Consent.**

**Request:** Approval of the City of Scottsdale's 2024 State Legislative Agenda and authorizing the City's registered lobbyists to take the necessary actions to communicate the City's position on these matters to local, regional, State, and Federal officials; members of the Arizona State Legislature; and members of the United States Congress.

**Staff Contact(s):** Dale Wiebusch, Government Relations Director, 480-312-2683, [dwiebusch@scottsdaleaz.gov](mailto:dwiebusch@scottsdaleaz.gov)

**– Government Relations Director Dale Wiebusch gave a presentation on the proposed 2024 State Legislative Agenda.**

7. **Proposition 202 Grant Funds Acceptance – Approved on Consent.**

**Request:** Adopt **Resolution No. 12974** to authorize:

1. Acceptance of Proposition 202 grant funds from the Gila River Indian Community, in the amount of \$155,000, for the support of educational, conservation, recreational, health and human services programs; the promotion of commerce and economic development; and other programs and activities benefiting the public.
2. A Budget Transfer, of up to \$5,000, from the adopted Fiscal Year 2023/24 Future Grants and/or Grant Contingency budget to newly created cost centers to record the related grant activity.

**Staff Contact(s):** Dale Wiebusch, Government Relations Director, 480-312-2683, [dwiebusch@scottsdaleaz.gov](mailto:dwiebusch@scottsdaleaz.gov)

8. **Kent Settlement Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 12993** to authorize:

1. Agreement No. 2023-197-COS with Jacob Kent, D.D.S. and Kent Dentistry, Inc., in the amount of \$571,211.96 for all claims stemming from a sewage overflow incident at 14201 N. Hayden Drive, Suite D-3, Scottsdale, Arizona 85260.
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](mailto:sscott@scottsdaleaz.gov)

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

**Request:** Accept the Fiscal Year 2023/24 Monthly Financial Report as of September 2023.

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

10. **Interim Finance Consultant Services Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 12990** authorizing Contract No. 2023-194-COS with Interim Public Management, LLC, in the amount of \$150,000, for interim finance consultant services to assist with budget development, enterprise resource planning implementation and fee studies, banking contracts, and other financial services.

**Staff Contact(s):** Jenn Myers, Purchasing Director, 480-312-5706, [jmyers@scottsdaleaz.gov](mailto:jmyers@scottsdaleaz.gov)

\*\*\*10A. **Perfluoroalkyl Substances Settlement Agreements – Approved on Consent.**

**Request:** Adopt **Resolution No. 12997** to authorize:

1. The City's participation in the settlement with DuPont in *City of Camden, et al. v E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG, and the settlement with 3M in *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147-RMG.
2. The City Attorney to file all claims, including future supplemental claims and a Special Needs Claim Form with the District Court.
3. The City Manager, City Treasurer, and City Attorney, and their respective staff to execute such 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](mailto:sscott@scottsdaleaz.gov)

### **Public Comment – None**

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## **CITIZEN PETITIONS**

### **ITEM 11**

**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.

#### **11. 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](mailto:blane@scottsdaleaz.gov)

## **WORK STUDY SESSION**

**Work Study Sessions:** Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

**Public Comment:** To provide an opportunity for public input yet continue to maximize the amount of time available for the Council to have focused discussions, spoken comment (maximum of five speakers) is being accepted on the item(s) on tonight's work study session agenda. To sign up to speak, please click [here](#). **Request to speak forms must be submitted no later than 90 minutes before the start of the meeting. – None**

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [here](#). Written comments that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting.



1. **Maricopa Association of Governments (MAG) Economic Trends Presentation**

**Request:** Presentation and discussion on (MAG) analysis of current trends in the economy, real estate transactions, and housing affordability.

**Presenter(s):** Brent Stockwell, Assistant City Manager and Anubhav Bagley, Regional Analytics Director, Maricopa Association of Governments

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

– Maricopa Association of Governments (MAG) Managing Executive Director Ed Zuercher and MAG Regional Analytics Director Anubhav Bagley gave a PowerPoint presentation on economic trends in Scottsdale and Maricopa County.

– Councilmembers made the following observations and suggestions:

- Provide information on longitudinal trends (by percentage) of individuals working in Scottsdale and living outside of the city.
- Analyze trends related to individuals working at home by sector.
- Provide data on the national average for the commute to work distance.
- It is beneficial that residential housing completions are increasing.
- Provide data on the percentage of workers who work at a Scottsdale-based business, live outside Scottsdale, and work from home or have a hybrid schedule.
- Provide trend data on mortgage rates.
- Determine if Costar rent data includes “junk fees”.
- Research if apartment complexes with 50 or more units are more or less likely to have short term rentals.
- Multi-family housing data provided by MAG is very useful.

2. **Short Term Rental Discussion and Possible Action**

**Request:** Presentation of detailed report on crimes and infractions committed and calls for service at short term rentals in the City and a summary of actions taken by adjoining jurisdictions as well as discussion and possible Council action regarding potential additional or increased enforcement mechanisms and/or efforts related to short term rentals.

**Presenter(s):** Brent Stockwell, Assistant City Manager

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

– Assistant City Manager Brent Stockwell, Tax and Licensing Manager Sarah VanGoethem, McKellips District Commander Jeromie O’Meara, Downtown Section Lieutenant George Gollihar, Communications and Public Affairs Director Kelly Corsette, Management Associate to the City Manager Will Brooks, and Government Relations Director Dale Wiebusch gave a PowerPoint presentation on short term rentals.

– There was Council consensus on the following items:

- Support for the recommended changes to the Nuisance Party and Vacation Rental Ordinances.
- Continue to look at methods for addressing occupancy load concerns.

– Councilmembers made the following observations and suggestions:

- Continue to look at program costs and determine if higher application fees can be charged within State law limits.
- Provide financial information that was not included in presentation.
- Simplify ordinances and group them together where possible.
- Verify emergency contact information of applicants.

**Monday, November 20, 2023**

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**Adjournment – 8:22 P.M.**

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