

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Kathleen S. Littlefield
Linda Milhaven
Solange Whitehead

Tuesday, January 11, 2022

The City Hall Kiva Forum (Kiva) is open to the public during City Council meetings at a reduced capacity. Seating in the Kiva will be available on a first come, first served basis. Once capacity has been reached, individuals will be directed to a nearby location to view the televised meeting. The Mayor will announce the names of speakers in advance to give those attending the meeting from the nearby location sufficient time to enter the Kiva and make their comments in person. As seating in the Kiva becomes available, individuals waiting in the nearby location will be asked to come to City Hall.

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to virtually attend, participate telephonically, 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 (January 31, 2022).

In-person or telephonic comment is being accepted on Items 1 through 22. To sign up to speak on these items, please click [here](#).

Scottsdale citizens may also 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 or telephonically on a non-agendized item that is within the Council's jurisdiction, please click [here](#).

Online Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted no later than 90 minutes before the start of the meeting and you must indicate whether you will be addressing the Council in person or telephonically.

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](#).

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

Call to Order – 5:00 P.M.

Roll Call – All present (Councilmembers Janik, Littlefield, and Milhaven participated electronically). 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).

Pledge of Allegiance – Councilmember Durham

Mayor’s Report – Mayor Ortega announced that the current Council has been in office since January 12, 2021. He said the Council looks forward to another full year in office.

– Mayor Ortega congratulated the Saguardo High School Football team who won the State Championship after dethroning the Chandler Wolves, who had held that championship for five years.

– Mayor Ortega noted that Monday, January 17, 2022, is the official Martin Luther King holiday. The City of Scottsdale will be hosting a program at the Horizon Community Center. It is a discussion regarding the final published work of Dr. Martin Luther King entitled “Where Do We Go From Here: Chaos or Community”. The event is open to anyone aged 15 years or older at no fee, but participants are encouraged to register online. More information can be located on the City’s website: www.scottsdaleaz.gov.

Public Comment – Jason Alexander expressed support of the 92 Ironwood Project. Bob Littlefield spoke about opposition to the 92 Ironwood Project and invited the public to review the project at the open house scheduled for January 12, 2022. Wayne Goshkarian commented on the DC Ranch Homeowner Association’s actions related to the removal of 670 sissou trees. Chris Winterholler expressed concern over Jet Aviation eviction notices related to parking leases at the Scottsdale Airport. Jon Phelps spoke about assurances made by Santa Fe Aviation related to piston-powered general aviation aircraft and Jet Aviation’s actions being contrary to those commitments.

Public Comment time is reserved for Scottsdale citizens to comment on non-agendized items that are within the Council’s jurisdiction. No official Council action can be taken on these items. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak [form](#) must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

MINUTES

Request: Approve the following Council meeting minutes from November and December 2021:

- a. [Special Meeting Minutes of November 16, 2021](#)
- b. Executive Session Minutes of November 16, 2021
- c. [Regular Meeting and Work Study Session Minutes of November 16, 2021](#)
- d. [Special Meeting Minutes of December 7, 2021](#)
- e. [Regular Meeting and Work Study Session Minutes of December 7, 2021](#)

– Councilwoman Whitehead made a motion to approve the Special Meeting Minutes of November 16, 2021, Executive Session Minutes of November 16, 2021, Regular Meeting and Work Study Session Minutes of November 16, 2021, Special Meeting Minutes of December 7, 2021, and Regular Meeting and Work Study Session Minutes of December 7, 2021. Councilmember Durham seconded the

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

CONSENT AGENDA ITEMS 1-22

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 Whitehead made a motion to approve Consent Agenda Items 1 through 22. Councilwoman Janik seconded the motion, which carried 7/0, by roll call vote, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. **Mama Por Dios Liquor License (98-LL-2021) – 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: 7301 E. Butherus Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Kaleidoscope Liquor Licenses (99-LL-2021 and 100-LL-2021) – Approved on Consent.**
Request: Consider forwarding recommendations of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) and a Series 12 (restaurant) State liquor licenses for an existing location with a new owner.
Location: 6835 E. Camelback Road, Suite B03
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Landmark Scottsdale Quarter Liquor License (103-LL-2021) – 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: 15257 N. Scottsdale Road, Suite F-230
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **MedMen Enterprises Conditional Use Permit (8-UP-2012#3) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12345** approving a Conditional Use Permit for an existing marijuana dispensary including amendments to the stipulations to extend the hours of operation, eliminate the 5-year timing stipulation, and update the floor plan on a ±0.24-acre property with Commercial Office, Planned Community District (CO-PCD) zoning.
Location: 8729 E. Manzanita Drive
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
5. **Churchill's Fine Cigars Conditional Use Permit (14-UP-2021) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12343** approving a Conditional Use Permit for a bar use within an approximately 2,000 square foot retail store at Crossroads East with Planned Regional Center, Planned Community District, Planned Shared Development Overlay (PRC PCD PSD) zoning.
Location: 18529 N. Scottsdale Road, Suite 127A
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov

6. **General Land Office Patent (GLO) and Right-of-Way (ROW) Abandonment (3-AB-2021) – Approved on Consent.**
Request: Adopt **Resolution No. 12344** authorizing the abandonment of the GLO roadway easement and ROW along the east property line (N. 106th Street alignment) and portions of the GLO roadway easement along the south property line (E. Paradise Drive alignment) with Single-Family Residential (R1-43) zoning.
Location: 10595 E. Cactus Road
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Scottsdale Residences – The Nines (6-PP-2017#2) – Approved on Consent.**
Request: Approve the final plat for a new 9-lot residential subdivision on a ±0.83-acre site with Downtown, Downtown Multiple Use – Type 2, Planned Block Development Downtown Overlay (D/DMU-2 PBD DO) zoning.
Location: 6914, 6920, and 6930 E. 1st Street
Staff Contact(s): Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Wildcat Hill Cave Creek Waterline Extension Construction Bid – Approved on Consent.**
Request: Adopt **Resolution No. 12339** authorizing Construction Bid Award No. 21PB020 with Granite Construction Company, the lowest responsive bidder, in the amount of \$1,518,539.40, for the construction of the Wildcat Hill Cave Creek waterline extension.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
9. **Citywide Electrical Construction Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12349** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide electrical (Water Resources electrical systems) construction services:
 1. Contract No. 2020-008-COS-A1 with Keller Electrical Industries, Inc.
 2. Contract No. 2020-009-COS-A1 with Rosendin Electric, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
10. **General Landscape Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12350** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,000,000 per contract, for citywide general landscape services:
 1. Contract No. 2020-004-COS-A1 with DBA Construction, Inc.
 2. Contract No. 2020-005-COS-A1 with Landscapes Unlimited, LLC
 3. Contract No. 2020-019-COS-A1 with Valley Rain Construction Corporation**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
11. **On-Call Structural Design Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 12351** authorizing the following one-year contract extensions, in an amount not to exceed \$750,000 per contract, for on-call structural design services at various project locations throughout the City of Scottsdale:
 1. Contract No. 2019-003-COS-A2 with Horrocks Engineers, Inc.
 2. Contract No. 2019-004-COS-A2 with Point Engineers, LLC
 3. Contract No. 2019-005-COS-A2 with Gannett Fleming, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
12. **Investment Grade Energy Audit Contract – Approved on Consent.**
Request: Adopt **Resolution No. 12354** authorizing Investment Grade Audit Contract No. 2022-005-COS with Wendel Energy Services, LLC, in an amount not to exceed \$25,022.40, for energy, water, and related conservation measures audit services.

- 13. [Staff Contact\(s\):](#) Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov**
[Aquifer Storage and Recovery Wells Project Construction Phase Services Contract – Approved on Consent.](#)
Request: Adopt **Resolution No. 12361** authorizing Contract Manager at Risk Contract No. 2020-136-COS-A2 with MGC Contractors, Inc., in an amount not to exceed \$9,446,391.35, for the construction (equipping) of the City of Scottsdale’s Aquifer Storage and Recovery Well 54C.
Location: 21851 N. Miller Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- 14. [Sale of City Owned Property – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12355** to authorize:
1. Purchase and Sale Agreement No. 2022-008-COS with Diversified Partners, LLC, in the amount of \$2,055,000, for the sale of a city-owned former fire station site.
2. Contract No. 2022-009-COS with Motorola Solutions, Inc., dedicating a Well Site and Access Easement.
Location: 7339 E. McDonald Drive
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- 15. [Parking Lease Agreement and Sublease Agreement – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12348** to authorize:
1. Agreement No. 2020-013-COS-A1, the first amendment to the parking lease agreement with HonorHealth, formerly known as Scottsdale Healthcare Hospitals, for the use of land for parking at Drinkwater Boulevard and Second Street.
2. Sublease Agreement No. 2022-002-COS with Scottsdale Arts for the use of land for parking at Drinkwater Boulevard and Second Street.
Staff Contact(s): Nick Molinari, Parks and Recreation Director, 480-312-1011, nmolinar@scottsdaleaz.gov
- 16. [Paiute Neighborhood Center License Agreement – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12356** to authorize:
1. Agreement No. 2021-011-COS-A1, the first amendment to the license agreement with Southwest Autism Research & Resource Center to use space at the Paiute Neighborhood Center to operate a community school and to correct calculation errors regarding utility fees.
2. The City Manager, or designee, to execute any other documents or take other actions as necessary in connection with the license agreement.
Staff Contact(s): Greg Bestgen, Human Services Director, 480-312-0104, gbestgen@scottsdaleaz.gov
- 17. [Transit Services Intergovernmental Agreement – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12315** authorizing Agreement No. 2018-126-COS-A4, the fourth amendment to the agreement with the Regional Public Transportation Authority, for Fiscal Year 2021/22 transit services.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- 18. [Financial Statement Audit Professional Services Contract – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12358** authorizing the second one-year extension of Contract No. 2020-041-COS with Heinfeld, Meech & Co., P.C., in an amount not to exceed \$95,500, for the audit of the City’s Fiscal Year 2021/22 financial statements and related services.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
- 19. [Tourism Event Venue Fee Funding Program – Approved on Consent.](#)**
Request: Adopt **Resolution No. 12363** to authorize changes to the Fiscal Year 2021/22 Event Venue Fee Funding Program to increase the maximum program funds available from \$5,000 to \$10,000 and establish a room night requirement of 713 to receive maximum funding.

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

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

Request: Accept the Fiscal Year 2020/21 Monthly Financial Report as of June 2021 (fiscal year-end).

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

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

Request: Accept the Fiscal Year 2021/22 Monthly Financial Report as of October 2021.

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

22. **2022 Primary and General Elections – Approved on Consent.**

Request: Adopt **Resolution No. 12362** calling the City of Scottsdale’s Primary Election for Tuesday, August 2, 2022, and the City’s General Election, if necessary, for Tuesday, November 8, 2022, for the purpose of electing three Councilmembers.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

Public Comment – David Rumolo expressed concern over Jet Aviation eviction notices related to parking leases at the Scottsdale Airport. David Woodbury presented a citizen petition to prevent the opening of an alley between Sells Drive and Camelback Road.

Public Comment time is reserved for Scottsdale citizens to comment on non-agendized items that are within the Council’s jurisdiction. No official Council action can be taken on these items. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak [form](#) must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

CITIZEN PETITIONS

ITEM 23

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.

23. **Receipt of Citizen Petitions – Mayor Ortega made a motion to direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner. Councilwoman Whitehead seconded the motion, which carried 7/0, by roll call vote, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven and Whitehead voting in the affirmative.**

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

Mayor and Council Items – Councilwoman Whitehead made a motion to direct staff to agendize within 60 days the subject of a Canal Deck Park located at 5th Avenue and Goldwater Boulevard for discussion and possible action. Mayor Ortega seconded the motion, which carried 5/2, by roll call vote, with Mayor Ortega and Councilmembers Durham, Janik, Littlefield, and Whitehead voting in the affirmative, and Vice Mayor Caputi and Councilmember Milhaven dissenting.

Adjourn the regular portion of the Meeting and Convene the City Council Work Study Session – 5:35 P.M.

CITY COUNCIL WORK STUDY SESSION

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

Public Comment: To provide an opportunity for public input yet continue to maximize the amount of time available for the Council to have focused discussions, spoken comment (maximum of five speakers) is being accepted on the item(s) on tonight's work study session agenda. To sign up to speak, please click [here](#). **Request to speak forms must be submitted no later than 90 minutes before the start of the meeting.**

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. **– Jason Alexander spoke in support of creating a funding source for maintenance of the Preserve, either by putting a potential fund usage source before the voters or a possible City Charter change before the voters. Sonnie Kirtley expressed concern about traffic on 128th Street and said that a gated emergency route is clearly what is best for the Preserve while not detrimentally impacting residents in the area.**

1. [Preserve Strategic Objectives](#)

Requests: Presentation, discussion, and possible direction to staff and the McDowell Sonoran Preserve Commission regarding the Preserve Strategic Objectives.

Presenter(s): Kroy Ekblaw, Preserve Director

Staff Contact(s): Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

– Preserve Director Kroy Ekblaw, former McDowell Sonoran Preserve Commissioner Jace McKeighan, and McDowell Sonoran Preserve Commission Chair Cynthia Wenstrom gave the PowerPoint presentation.

– There was Council consensus on the following items:

- The top priority is protection, preservation, and maintenance of the McDowell Sonoran Preserve.**
- New trailheads are not needed.**
- Staff and the McDowell Sonoran Preserve Commission will look at funding sources related to the Preserve and report back to the City Council with options.**
- Staff and the McDowell Sonoran Preserve Commission will look at how the current funding sources can be used to purchase strategic land parcels.**

– Council made the following suggestions:

- Provide information on regular maintenance and emergency maintenance schedules.**

- Provide additional details on maintenance costs and identify the prioritization of those costs for maintenance done on an annual or bi-annual basis.
- Provide information on general fund costs related to the maintenance and operation of the Preserve.
- Research availability of volunteer groups to perform trail maintenance (in addition to the McDowell Sonoran Conservancy), to supplement professional trail maintenance services.
- Conduct a broad public outreach to test financial funding options, investments, and if the Preserve is the highest and best use or should it be expanded for other broader community needs.
- Retain current funding levels for cultural historic preservation and education.
- Add a category for access between trailheads using trolleys.
- Provide information on the possible extension of the two Preserve taxes including a reasonable basis to do so.
- Review land acquisition to focus on strategic parcels, not large swaths of acreage.
- Use 128th Street only as a secondary emergency route, not to be used as a thoroughfare for regular vehicles.
- Explore the use of underground animal pathways (underground tunnels that pass under the roads) and fences that funnel animals into the underground pathway.
- Consider having the McDowell Sonoran Conservancy provide an annual update to the Council on their activities.
- Look at imminent hazards in the Preserve and the health of the Preserve, focusing on the ecosystem, plants and animals and their symbiotic relationship.
- Examine allocating destination marketing funds for uses related to archaeology, education, promotion of the Preserve, or anything else that would draw people to the Preserve.

Adjournment – 6:55 P.M.

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