

SCOTTSDALE

CITY COUNCIL MEETING

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

[REWORDED ITEM NOS. 5 AND 9]



COUNCIL

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

Tuesday, March 7, 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 (March 21, 2023).

In-person spoken public comment is being accepted on Items 1 through 11. 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

Call to Order – 5:31 P.M.

Roll Call – All present (Vice Mayor Littlefield participated electronically)

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 Betty Janik

Mayor's Report

Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they fight for their freedom and democracy. He hopes the conflict does not spread to Poland and other nearby countries.

Mayor Ortega announced that the process has begun to have City Hall declared as a historic landmark. He invited the community to share stories of memories at City Hall through the City's website by April 12, 2023. These stories will be included in the historic preservation application.

City Manager's Report – City Manager Jim Thompson introduced a "Fast Five" video produced by the City Communication's Office which provided updates on several City events and offerings.

- **Fast Five Video Update**

Note: The Council may ask questions of the presenter(s); however, no Council action will be taken.

Presentations/Information Updates – Scottsdale Railroad & Mechanical Society Board President Eric Damko gave a PowerPoint presentation.

- [Scottsdale Railroad & Mechanical Society](#)

Presenter(s): Eric Damko, President

Note: The Council may ask questions of the presenter(s); however, no Council action will be taken.

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 – Alex McLaren commented on the Rio Verde Foothills area water situation and the recent decision by the Maricopa County Board of Supervisors. He suggested an interim solution between EPCOR and the City.

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 February 2023:

- a. [Special Meeting Minutes of February 14, 2023](#)
- b. Executive Session Minutes of February 14, 2023
- c. [Regular Meeting Minutes of February 14, 2023](#)

– Councilwoman Whitehead made a motion to approve the Special Meeting Minutes of February 14, 2023, Executive Session Minutes of February 14, 2023, and Regular Meeting Minutes of February 14, 2023. 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.

CONSENT AGENDA ITEMS 1-10

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 10, except Item No. 4 [Underground Water Infrastructure Job Order Contract Increase], which was moved to the Regular Agenda and Item No. 9 [Savannah Bananas Baseball Exhibition Event Funding], which was continued to March 21, 2023 at request of staff. 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.

1. [Pour Decisions Patio & Kitchen Liquor License \(1-LL-2023\)](#) – **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: 4209 N. Craftsman Court
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Scottsdale & Dixileta \(Desert Whispers\) Final Plat \(5-PP-2021\)](#) – **Approved on Consent.**
Request: Approve the final plat for 14-lot residential subdivision with amended development standards having Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-43 ESL FO) zoning on a ±17.52-acre site.
Location: Northwest corner of N. Scottsdale Road and E. Dixileta Drive
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
3. [Shea Boulevard Intersection Improvement Project Right-of-Way Acquisition](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12744** to authorize
 1. The acquisition of public non-motorized access easements for sidewalk improvements by dedication, donation, or purchase, or the exercise of the power of eminent domain as a matter of public necessity.
 2. The City Manager, or designee, to approve revised or substituted legal descriptions and specify additional or other property interests to be acquired for this project; provided, however, that the City Manager may not increase the total area of all property taken as authorized by this resolution by more than twenty percent (20%) without further authority from the City Council.
Location: South side of Shea Boulevard from 112th Street to 114th Street
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

4. **Underground Water Infrastructure Job Order Contract Increase**

Request: Adopt **Resolution No. 12751** authorizing Contract No. 2020-060-COS-A2 with B&F Contracting, Inc., increasing the single job order limit from \$2 million to \$3.3 million for citywide underground water infrastructure construction projects.

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

– City Engineer Alison Tymkiw gave a presentation.

– Mayor Ortega made a motion to adopt Resolution No. 12751 authorizing Contract No. 2020-060-COS-A2 with B&F Contracting, Inc., increasing the single job order limit from \$2 million to \$3.3 million for citywide underground water infrastructure construction projects.

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.

***5. **Build New Fire Station Near Hayden Road and the Loop 101 Pre-Construction Phase Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 12752** authorizing Construction Manager at Risk Contract No. 2023-024-COS with Sun Eagle Corporation, in an amount not to exceed \$61,275, to provide pre-construction phase services for Bond 2019 Project 28 – Build New Fire Station Near Hayden Road and the Loop 101.

Location: 18455 N. Hayden Road

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

6. **McCormick Stillman Railroad Park Pre-Construction Phase Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 12753** authorizing Construction Manager at Risk Contract No. 2023-025-COS with Willmeng Construction, Inc., in an amount not to exceed \$142,535, to provide pre-construction phase services for Bond 2019 Project 2 – Add Splash Pad and Improve Walkways and the New Roundhouse Facility at McCormick Stillman Railroad Park.

Location: 7301 E. Indian Bend Road

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

7. **Vertical/Citywide Facilities Construction Job Order Contracts – Approved on Consent.**

Request: Adopt **Resolution No. 12754** authorizing the following contracts for a two-year term, in an amount not to exceed \$15,000,000 per contract, for citywide vertical/facilities construction projects:

1. Contract 2023-026-COS with Balfour Beatty Construction, LLC
2. Contract 2023-027-COS with CHASSE Building Team, Inc.
3. Contract 2023-028-COS with McCarthy Building Companies, Inc.

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

8. **Scottsdale Jazz Festival Event Funding – Approved on Consent.**

Request: Adopt **Resolution No. 12740** to authorize:

1. Funding, not to exceed \$75,000, from the portion of the Fiscal Year 2022/23 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale Jazz Festival.
2. New Event Funding Agreement No. 2023-022-COS with the International Jazz Day AZ Foundation.

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

- ***9. **Savannah Bananas Baseball Exhibition Event Funding – Continued to the March 21, 2023 City Council Meeting.**
Request: Continue to the March 21, 2023 City Council Meeting.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
10. **Fiscal Year 2021/22 Risk Management Department and Loss Trust Fund Annual Report – Approved on Consent.**
Request: Accept the Fiscal Year 2021/22 Annual Report for the Risk Management Department and Loss Trust Fund.
Staff Contact(s): George Woods, Risk Management Director, 480-312-7040, gwoods@scottsdaleaz.gov

REGULAR AGENDA ITEM 11

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

11. **City's Proposed Fiscal Year (FY) 2023/24 Rates and Fees**
Request: Presentation, discussion, and possible direction to staff regarding the City's proposed FY 2023/24 rates and fees.
Presenter(s): Judy Doyle, Budget Director; Brian Biesemeyer, Water Resources Executive Director; Dan Worth, Public Works Director; Michael Clack, Chief Development Officer; William B. Murphy, Assistant City Manager; Tom Shannon, Fire Chief
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– PowerPoint presentations were presented by Budget Director Judy Doyle; Water Resources Executive Director Brian Biesemeyer; Public Works Department Solid Waste Director Dave Bennett; Chief Development Officer Michael Clack; Assistant City Manager Bill Murphy; and Fire Chief Tom Shannon.
– Councilmembers made the following suggestions:
- **In future rates and fees presentations, include information about percentage increases.**
 - **Related to the proposed new Green Building Code compliance fee:**
 - **Apply and enforce the fee only for large developments, or those asking for zoning amendments or bonuses; do not apply or enforce the fee for small developments.**
 - **Explore the possibility of grants to go towards the Green Building Code compliance fee for small developers.**
 - **Reduce the fee from \$600 per application to a lower amount.**
 - **A Green Building Code compliance fee and related enforcement are needed to ensure and verify that buildings are safely constructed.**
 - **The \$600 Green Building Code compliance fee is a nominal cost to developers.**
 - **There should be a sliding scale for Green Building Code compliance fees.**
 - **Concern that we are asking developers and customers to buy more expensive products and then adding a review surcharge.**
 - **Related to Community Services fees, consider lowering the proposed \$15 fee for special event tickets.**

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 12

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.

12. 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 agendaize 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

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. – Phillip David Allsop said the sustainability plan should include benchmarks to evaluate where we are, how we are doing, encourages a sense of accountability, communicates what is going on, and how people can participate. Ute Brady asked the Council to not adopt the plan as it lacks four critical components, including additional baseline metrics on how to measure success, identify goals, inform strategies, and determine success. She proposed the establishment of a task force to assist with creation of a sustainability plan. Alisa McMahon stated the plan lacks defined goals, goals are not quantified or prioritized, and the plan lacks compelling messaging and acknowledgement of challenges. Anthony Leavy spoke against the proposed plan noting it was too reliant on multi-modal transportation and disparately impacted South Scottsdale and Old Town Scottsdale. Bob Pejman noted concerns about the plan’s street elements, including replacing vehicular lanes with bicycle lanes, and requested additional public outreach. French Thompson spoke for the need for fiscal responsibility and against the removal of vehicular lanes for bicycle lanes.**

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. [Scottsdale Community Sustainability Plan](#)

Request: Presentation, discussion, and possible direction to staff regarding the Scottsdale Community Sustainability Plan.

Presenter(s): Lisa McNeilly, Sustainability Director

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

– Sustainability Director Lisa McNeilly gave a PowerPoint presentation.

– Councilmembers made the following suggestions:

- Several mobility elements related to increasing bicycle lanes and sidewalks and reducing vehicular lanes, should not be included in a sustainability plan, rather they should be associated with transportation plans. These elements relate to Goal 3.1, which should be removed from the Sustainability Plan.
- The Sustainability Plan should not conflict with the Transportation Action Plan.
- It is essential to involve planning- and development-related board and commissions and the public to obtain additional input for the implementation of a successful sustainability plan.
- Additional data is needed on identifiers for success, measurements, and concrete goals.
- Continue working on the plan with the Scottsdale Environmental Advisory Commission and identified experts and return to the Council in six months with a revised draft plan.
- The proposed plan does not have the endorsement of the Scottsdale Environmental Advisory Commission or the McDowell Sonoran Preserve Commission and should be tabled until the plan is properly vetted by boards, commissions, and additional public outreach.
- Shaded walkways, tree canopies and open space should all be central tenets of the Sustainability Plan.
- Additional public outreach is not needed, but firm timelines are needed.
- Do not delay with moving forward with the implementation of the Sustainability Plan.
- The plan proposes several initiatives and affordable housing; however, it provides no information on financial resources.
- Provide additional information related to energy, including a list of meters; what the meters are powering, for example buildings, landscaping, etc.; how much energy the meters are measuring, and a timeline for the measurements.
- Include the proposed timeline in the plan, create a steering committee of experts to work with the Scottsdale Environmental Advisory Commission to provide quantitative data, and verify assumptions which may impact the timeline.
- Costs need to be in context with fiscal sustainability; therefore, it is important to provide information related to costs associated with initiatives.
- Slow the process down and review information and data, noting the current and future states and how items will be measures and benefits quantified.
- Related to Page 22 (Built Environment and Housing), invite staff to return to give a presentation on costs and impacts to the Planning and Development Department on the Green Building Code requirements.
- Related to Page 25 (Waste as a Resource), provide more information on Item 1.8, “pay as you throw” rate structure.
- Related to Page 13 (Water Resources), include regulations for golf courses using five acre-feet of water per acre.
- Related to Page 14 (Open Space & Land Management), include provision for wildlife corridors as suggested by the McDowell Sonoran Preserve Commission.
- Related to Page 18 (Economic Vitality), include metrics about the impacts of water and lower urban heat has on economic viability.

- **Related to Page 22 (Built Environment and Housing), include a guide for utility bill reduction.**
- **Related to Page 25, (Waste as a Resource), include residential compost programs.**
- **Page 27 (Food Systems), include zero-food tourist destination as a strategy and indicator.**
- **Include an aspirational fruit tree program to assist citizens in harvesting fruit trees so food does not go to waste.**
- **Related to Page 22 (Build Environment and Housing), do not make Policy 1.3 mandatory for residents to install solar panels as part of a remodel.**
- **Use the guidelines provided by Ute Brady's letter, which was provided to the Council and was included in the supporting materials for the council meeting packet.**

Adjournment – 9:41 P.M.

– Councilmember Graham made a motion to adjourn the Regular Meeting and Work Study Session. 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.