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, October 25, 2022

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at <u>ScottsdaleAZ.gov</u> (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 (November 14, 2022).

In-person spoken public comment is being accepted on Items 1 through 18. To sign up to speak on these items, please click <u>here</u>.

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 <u>here</u>.

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: <u>WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION</u>

Tuesday, October 25, 2022 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 – Councilwoman Whitehead

Mayor's Report – Mayor Ortega recognized the City's Code Enforcement officers and read a proclamation in honor of National Code Compliance Month. Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they fight for their freedom and peace as a nation. Mayor Ortega commented on the Desert Dog Police Canine Trials and Public Safety Expo held at WestWorld on October 22-23, 2022. Mayor Ortega invited the public to attend the Día de Los Muertos celebration on October 26, 2022 at the Old Adobe Mission.

City Manager's Report – Chief Information Officer Bianca Lochner gave a PowerPoint presentation on enterprise system modernization efforts for the City of Scottsdale.

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 <u>form</u> 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 1-15

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 <u>not</u> 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 15. Vice Mayor Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative. <u>The Back Door Restaurant and Lounge Liquor License (75-LL-2022)</u> – 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 and new series type.

Location: 7330 E. Main Street, Suite 1

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

2. <u>Arboleda Restaurant Liquor License (76-LL-2022)</u> – 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: 15345 N. Scottsdale Road, Suite K-100 Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, <u>tcurtis@scottsdaleaz.gov</u>

 Habaneros Mexican Grill & Cantina Liquor License (77-LL-2022) – Approved on Consent. Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing Series 12 (restaurant) State liquor license.

Location: 10392 N. Scottsdale Road, Suite 103

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

4. <u>Sereno Canyon Homeowners Association Liquor License (78-LL-2022)</u> – 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 a new location and owner.

Location: 23860 N. 125th Street

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

- 5. <u>Civil Citywide Electrical Construction Services Job Order Contracts</u> Approved on Consent. Request: Adopt Resolution No. 12621 authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide civil electrical construction services:
 - 1. Contract No. 2019-194-COS-A2 with AJP Electric, Inc.
 - 2. Contract No. 2019-195-COS-A2 with CS Construction, Inc.

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

6. <u>General Building Citywide Electrical Construction Services Job Order Contracts</u> – Approved on Consent.

Request: Adopt **Resolution No. 12622** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide general building electrical construction services:

- 1. Contract No. 2019-183-COS-A2 with Rosendin Electric, Inc.
- 2. Contract No. 2019-184-COS-A2 with K2 Electric Newco, LLC
- 3. Contract No. 2019-185-COS-A2 with Hawkeye Electric, Inc.

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

7. <u>Architectural Services Contracts for Capital Improvement and Facilities Projects – Approved</u> on Consent.

Request: Adopt **Resolution No. 12623** authorizing the following one-year contract extensions for architectural design services on an on-call basis for City of Scottsdale projects.

- 1. Contract No. 2018-177-COS-A3 with Fucello Architects, LLC, in an amount not to exceed \$750,000.
- 2. Contract No. 2018-178-COS-A3 with Weddle & Gilmore Architects, LLC, in an amount not to exceed \$750,000.
- 3. Contract No. 2018-179-COS-A4 with DWL Architects-Planners, Inc., in an amount not to exceed \$1.5 million.

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

8. <u>North Corporation Campus Design-Build Manager Construction Phase Contract</u> – Approved on Consent.

Request: Adopt Resolution No. 12620 to authorize:

- Design-Build Manager Construction Phase Contract No. 2022-073-COS-A2 with Chasse Building Team, Inc., in an amount not to exceed \$748,041, to provide phase three of the construction phase services for the North Corporation Campus Parking Garage (BH07) and Bond 2019 Project 57 – Install Solar Systems North Corporation Campus for Guaranteed Maximum Price No. 3 to include the balance of construction for the garage and electrical infrastructure improvements to accommodate solar installation and electric vehicle infrastructure.
- A Fiscal Year 2022/23 Budget Appropriation Transfer, in an amount up to \$250,000, from the Fleet Management Fund Operating Motor Vehicles Budget to the North Corporation Yard Garage (BH07) project to be funded by the Fleet Management funding source.
- 3. A Fiscal Year 2022/23 Budget Appropriation Transfer, in an amount up to \$250,000, from the Transportation Fund Operating Contingency to the North Corporation Yard Garage (BH07) project to be funded by the Transportation Sales Tax funding source.
- 4. A Fiscal Year 2022/23 Budget Appropriation Transfer, in an amount up to \$500,000, from the Fleet Management Electric Vehicle Infrastructure Implementation (BI09) project to the North Corporation Yard Garage (BH07) project to be funded by the Fleet Management funding source for the electric vehicle infrastructure implementation scope added to this project.
- 5. The City Manager and City Treasurer, or designees, to take such actions as necessary to carry out the intent of this Resolution.
- Location: 9191 E. San Salvador Drive

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

9. <u>Transit Services Intergovernmental Agreement</u> – Approved on Consent. Request: Adopt Resolution No. 12607 to authorize:

- 1. Agreement No. 2018-126-COS-A5, the fifth amendment to the agreement with the Regional Public Transportation Authority, for Fiscal Year 2022/23 transit services, effective July 1, 2022.
- The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.
 Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

10. <u>Carefree Highway: Cave Creek Road to Scottsdale Road Capital Project Intergovernmental</u> <u>Agreement</u> – Approved on Consent.

Request: Adopt Resolution No. 12612 to authorize:

- 1. Agreement No. 2022-163-COS with the Maricopa Association of Governments for project administration and reimbursement of Proposition 400 Regional Transportation Sales Tax funds for eligible costs incurred by the City for the Carefree Highway: Cave Creek Road to Scottsdale Road (ACI-CFR-10-03) capital project.
- 2. The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution and Agreement.

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

11. <u>Paiute Neighborhood Center License Agreement</u> – Approved on Consent.

Request: Adopt Resolution No. 12590 to authorize:

- 1. Revocable License Agreement No. 2022-140-COS with Maricopa County to use space at Paiute Neighborhood Center to operate the Women, Infants, and Children program.
- 2. The City Manager, or designee, to execute any other documents or take other actions as necessary to carry out the intent of this Resolution.

Location: 6535 E. Osborn Road

Staff Contact(s): Greg Bestgen, Human Services Director, 480-312-0104, gbestgen@scottsdaleaz.gov

12. <u>Proposition 202 Grant Funds Acceptance</u> – Approved on Consent.

Request: Adopt Resolution No. 12611 to authorize:

- 1. Acceptance of Proposition 202 grant funds from the Gila River Indian Community in the amount of \$90,128.
- The Assistant City Manager, or designees, to execute any necessary documents and/or agreements to facilitate the receipt or transmittal of the specified grant funds in the amount of \$90,128.
- A budget transfer in the amount of \$45,000 from the adopted Fiscal Year 2022/23 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, <u>dwiebusch@scottsdaleaz.gov</u>

13. <u>Police Homeland Security Urban Area Security Initiative Grant</u> – Approved on Consent. Request: Adopt Resolution No. 12640 to authorize:

- 1. Contract No. 2022-179-COS with the Arizona Department of Homeland Security Urban Area Security Initiative accepting a grant in the amount of \$40,000 to fund chemical, biological, radiological, and nuclear equipment to sustain capabilities for the central region and assist operators during critical incidents.
- 2. The Police Chief, or designee, to execute Contract No. 2022-179-COS.
- 3. A budget transfer, in the amount of \$40,000, from the adopted Fiscal Year 2022/23 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. <u>Legal Services Contract</u> – Approved on Consent.

Request: Adopt **Resolution No. 12642** authorizing Contract No. 2022-181-COS with the law firm of Jennings Strouss for legal services. **Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

_______, , ______, , ______, , _______, <u>____</u>___

Monthly Financial Report – Approved on Consent. Request: Accept the Fiscal Year 2022/23 Monthly Financial Report as of August 2022. Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 16-18

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

 16. Ashler Hills Park Municipal Use Master Site Plan Conditional Use Permit (18-UP-2021) Request: Find that the conditional use permit criteria have been met and adopt Resolution No. 12560 approving a Municipal Use Master Site Plan for a new park on a ±15-acre site with Multiple-Family Residential Environmentally Sensitive Lands (R-5 ESL) zoning. Location: Northwest corner of E. Ashler Hills Drive and N. 74th Way Presenter(s): Katie Posler, Senior Planner Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, <u>eperreault@scottsdaleaz.gov</u> – Senior Planner Katie Posler and City Engineer Alison Tymkiw gave PowerPoint presentations.

 Councilmember Milhaven made a motion to adopt Resolution No. 12560 approving a Municipal Use Master Site Plan for a new park on a ±15-acre site with Multiple-Family Residential Environmentally Sensitive Lands (R-5 ESL) zoning. For the record, it was noted the motion did not include the amended stipulations recommended by the Planning Commission. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice

Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

17. Vacation Rental Code Amendment

Request: Adopt **Ordinance No. 4566** amending Scottsdale Revised Code, repealing and replacing Article IX of Chapter 18, Public Nuisance and Property Maintenance, concerning vacation rentals and short-term rentals.

Presenter(s): Brent Stockwell, Assistant City Manager

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288,

bstockwell@scottsdaleaz.gov

 Assistant City Manager Brent Stockwell gave a PowerPoint presentation. Public Works Department Director Dave Bennett, Fire Marshal Kristi Gagnon, and Chief Development Officer Michael Clack gave presentations.

- Councilwoman Littlefield made a motion to adopt Ordinance No. 4566 amending Scottsdale Revised Code, repealing and replacing Article IX of Chapter 18, Public Nuisance and Property Maintenance, concerning vacation rentals and short-term rentals. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

18. <u>Colorado River Basin Municipal and Public Water Providers Memorandum of Understanding</u> Request: Adopt Resolution No. 12649 to authorize:

- 1. The Executive Director of Scottsdale Water, or designee, to sign onto the Memorandum of Understanding or a similar document describing our commitment to conserving water, decreasing water demands, and expanding water reuse and recycling in an effort to reduce demand on the Colorado River.
- 2. The Executive Director of Scottsdale Water to execute such documents and take such other actions as necessary to carry out the intent of this Resolution.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

- Water Resources Executive Director Brian Biesemeyer gave a PowerPoint presentation.

- Mayor Ortega made a motion to adopt Resolution No. 12649 to authorize:

- 1. The Executive Director of Scottsdale Water, or designee, to sign onto the Memorandum of Understanding or a similar document describing our commitment to conserving water, decreasing water demands, and expanding water reuse and recycling in an effort to reduce demand on the Colorado River.
- The Executive Director of Scottsdale Water to execute such documents and take such other actions as necessary to carry out the intent of this Resolution.
 Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, 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 <u>form</u> must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Tuesday, October 25, 2022 Page 7 of 8

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 19

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.

 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, <u>blane@scottsdaleaz.gov</u>

MAYOR AND COUNCIL ITEM 20

20. Initiate City Council Review of the Development Review Board's October 6, 2022 Decision Regarding 5-DR-2022 (The Miller)

Request: At the request of Mayor Ortega, consider whether to initiate a formal City Council review of the Development Review Board's October 6, 2022, decision, which approved the request for a new multi-family development consisting of 148 dwelling units in a one six-story building and associated amenities, as well as approval of Public Art locations on a ± 1.2 -acre site located at 7570 E. 6th Avenue.

– Mayor Ortega stated the applicant made assurances to review the project and address his concerns related to the pedestrian restrictions and tree canopy along Miller Road. For this reason, Mayor Ortega did not make a motion on this item.

Note: The only Council action to be taken on Item No. 20 is a decision on whether to initiate a formal City Council review of the Development Review Board's October 6, 2022 decision regarding 5-DR-2022 (The Miller), which would then be scheduled for a future Council meeting. Therefore, no public comment will be taken at this time.

Adjourn the regular portion of the Meeting and Convene the City Council Work Study Session – The Council adjourned the regular portion of the Meeting at 7:42 P.M.

CITY COUNCIL WORK STUDY SESSION

- The Council convened the City Council Work Study Session at 7:43 P.M.

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 <u>here</u>. **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 <u>here</u>. 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. Quarterly Financial and Capital Improvement Plan (CIP) Updates

Request: Receive, discuss, and provide possible direction on the City Treasurer's quarterly financial presentation and/or the City Engineer's CIP presentation as of September 2022.
Presenter(s): Sonia Andrews, City Treasurer and Alison Tymkiw, City Engineer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
City Treasurer Sonia Andrews and City Engineer Alison Tymkiw gave PowerPoint presentations.

Adjournment – 7:58 P.M.

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