# SCOTTSDALE CITY COUNCIL MEETING \*\*\*AMENDED\*\*\* MEETING NOTICE AND AGENDA



[Added Item Nos. A1 and 12A]

#### COUNCIL

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

Betty Janik Kathleen S. Littlefield Solange Whitehead

Tuesday, September 5, 2023

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 (September 19, 2023).

In-person spoken public comment is being accepted on Items 1 through 12A. 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>

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Call to Order – 5:02 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 asked us to pause in silence and take time to think about the country of Ukraine and their loss of hospitals, schools, and libraries, and consider their fight for freedom and democracy.

– Mayor Ortega announced the Mayor's Annual Constitution Day Contest is back for students in first through twelfth grades. The submission entry deadline is September 29<sup>th</sup> for students to discuss their favorite Bill of Rights issue. For more information, visit <u>scottsdaleaz.gov</u> and search "Constitution Day Contest".

- Mayor Ortega proclaimed September as Ovarian Cancer Awareness Month. Mayor Ortega read the Ovarian Cancer Awareness Month Proclamation and presented it to cancer advocate and survivor, Rachel Putnam.

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

 Fast Five Video Update Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.

## Presentations/Information Updates – Mayor Ortega announced the reappointments of Judge Joseph Kiefer and Judge Suzanne Marwil to the Judicial Appointments Advisory Board.

- Announcement of Reappointments to the Judicial Appointments Advisory Board (JAAB) Mayor Ortega will announce the following reappointments to the JAAB:
  - The Arizona Superior Court's reappointment of Judge Joseph Kiefer as a member of the JAAB, to serve a three-year term beginning October 1, 2023 and ending September 30, 2026, as stated in <u>Arizona Superior Court Administrative Order No. 2023-115</u>.
  - The Arizona Supreme Court's reappointment of Judge Suzanne Marwil as a member of the JAAB, to serve a three-year term beginning October 1, 2023 and ending September 30, 2026, as stated in <u>Arizona Supreme Court Administrative Order No. 2023-58</u>.

## Note: The Council may make comments or ask questions to 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 – 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.

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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."

## ADDED ITEM

**Added Item:** Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

#### \*\*\*A1. Added Item

Item No. 12A was added to the agenda on August 30, 2023, and requires a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or continue the added items to the next scheduled Council meeting, which is September 19, 2023.

– Councilwoman Whitehead made a motion to accept the agenda as presented. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

### 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 <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.

- There was no public comment on the Consent Agenda.

- Councilwoman Whitehead made a motion to approve Consent Agenda Items 1 through 10, except Item 8 [Tract D Sweetwater Ranch Manor Final Plat Replat (10-PP-2022)] which was moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

1. <u>Corso Italia Liquor License (44-LL-2023)</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: 7704 E. Doubletree Ranch Road, Suite 140 Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, <u>tcurtis@scottsdaleaz.gov</u>

2. <u>Social Tap Liquor License (45-LL-2023)</u> – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for an existing location with a new owner.

Location: 4312 N. Brown Avenue

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

3. <u>Permanent Extension of Premises for Social Tap (5-EX-2023)</u> – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 6 (bar) State liquor license for an existing location to expand the premises to add a second floor balcony. **Location:** 4312 N. Brown Avenue

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

#### 4. Off Premise Liquor License (46-LL-2023) – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.

Location: 7137 E. Stetson Drive, Suite 12 Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, <u>tcurtis@scottsdaleaz.gov</u>

#### 5. <u>SNAX! Liquor License (48-LL-2023)</u> – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for an existing location with a new owner.

Location: 304 N. Hayden Road

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

6. <u>Permanent Extension of Premises for First Watch #209 (4-EX-2023)</u> – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 12 (restaurant) State liquor license for an existing location to expand the premises to add an outdoor patio. **Location:** 6149 N. Scottsdale Road, Suite A-109 **Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

#### 7. <u>Goodwood Tavern Conditional Use Permit (9-UP-2005#3)</u> – Approved on Consent.

Request: Find that the conditional use permit criteria have been met and adopt Resolution No.
12894 approving an amendment to an existing Conditional Use Permit for a bar (9-UP-2005#2) to add a ±419 square foot rooftop deck to an existing 2,258 square foot bar with Central Business District, Parking Overlay, Downtown Overlay (C-2/P-3 DO) zoning.
Location: 7330 E. Stetson Drive
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director,

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

#### 8. Tract D Sweetwater Ranch Manor Final Plat Replat (10-PP-2022)

**Request:** Approve the final plat replat of Tract D of Sweetwater Ranch Manor for the creation of two new residential lots with Townhouse Residential, Planned Community District (R-4 PCD) zoning. **Location:** 13099 N. 94<sup>th</sup> Place

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

- Principal Planner Jeff Barnes gave a PowerPoint presentation.
- Mayor Ortega opened public comment on this item.
- JD Smith, Scottsdale resident, spoke in support of this item.
- Mayor Ortega closed public comment on this item.

- Councilwoman Janik made a motion to approve the final plat replat of Tract D of Sweetwater Ranch Manor for the creation of two new residential lots with Townhouse Residential, Planned Community District (R-4 PCD) zoning. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

9. <u>On-Call Engineering Services Contracts for Sewer Rehabilitation</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 12911** authorizing the following one-year contract extensions, in an amount not to exceed \$500,000 per contract, for Citywide on-call sewer rehabilitation engineering services, including studies, design, construction documents, and construction administration:

1. Contract No. 2019-151-COS-A3 with Dibble & Associates Consulting Engineers, Inc.

2. Contract No. 2019-152-COS-A3 with Project Engineering Consultants, Ltd.

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

10. <u>Eldorado Park and Community Center Second Amended and Restated Lease Agreement</u> – Approved on Consent.

Request: Adopt Resolution No. 12896 to authorize:

- 1. The Second Amended and Restated Existing Lease of Premises Agreement No. 1997-068-COS-A3 with the Boys & Girls Clubs of Greater Scottsdale, Inc., and Memorandum of Second Amended Lease, related to the use of operation for the community center at Eldorado Park and adjacent areas for youth programming and activities.
- The Community Services Assistant Executive Director, Parks and Recreation Director, or designee to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.

Location: 2311 N. Miller Road

**Staff Contact(s):** Nick Molinari, Community Services Assistant Executive Director, 480-312-1011, <a href="mailto:nmolinar@scottsdaleaz.gov">nmolinar@scottsdaleaz.gov</a>

### **REGULAR AGENDA** ITEMS 11-12A

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

11. Bimer Residence Carport Conversion to Garage and Carport Addition (83-HP-2022) Appeal Request: Applicant appeal of the Historic Preservation Commission decision of a Certificate of Appropriateness – Historic Resources regarding conversion of an existing carport to a garage and a new carport addition and associated improvements at a residence within the Village Grove 1-6 historic community with Single-Family Residential, Historic Property (R1-7 HP) zoning designation. Location: 6637 E. Oak Street

Presenter(s): Jesus Murillo, Senior Planner

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

- Senior Planner Jesus Murillo gave a PowerPoint presentation.
- Applicants and property owners, Deanna and Chris Bimer, gave a PowerPoint presentation.
- There was no public comment on this item.

- Councilwoman Whitehead made a motion to approve the applicant's request and overturn the Historic Preservation Commission decision, including approving the garage door selected by the applicant. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

#### 12. Repeal of the Downtown Infill Incentive District and Plan (1-II-2010#3)

Request: Adopt Resolution No. 12746 to authorize:

- 1. The repealing of previously adopted Resolution No. 8370 which authorized the establishment of the Downtown Infill Incentive District and the adoption of the Downtown Infill Incentive Plan.
- 2. That this Resolution shall not be deemed to change, alter or otherwise limit any relief from development standards previously authorized through ordinance of the Council prior to effective date of this Resolution.
- 3. The Mayor, City Manager, or their designees, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.

**Presenter(s):** Brad Carr, Planning & Development Area Manager

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

- Planning & Development Area Manager Brad Carr gave a PowerPoint presentation.
- There was no public comment on this item.

- Vice Mayor Littlefield made a motion to adopt Resolution No. 12746 authorizing the repealing of previously adopted Resolution No. 8370 which authorized the establishment of the Downtown Infill Incentive District and the adoption of the Downtown Infill Incentive Plan. 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.

#### \*\*\*12A. Temporary Water Supply Intergovernmental Agreement (IGA)

Request: Adopt Resolution No. 12892 to authorize:

- IGA No. 2023-141-COS with the Rio Verde Foothills Standpipe District for the temporary treatment and provision of potable water at a City standpipe for delivery to residents in the Rio Verde Foothills area and determination that provision of water to the District following the District's provision of additional raw water supply to the City is consistent with the City's Drought Management Plan.
- The City Manager and City Attorney, or their designee(s), to take such further actions and execute such documents as necessary to carry out the intent of this Resolution.
  Presenter(s): Brian Biesemeyer, Water Resources Executive Director

Staff Contact(s): Jim Thompson, City Manager, 480-312-2800, jthompson@scottsdsaleaz.gov

- Water Resources Executive Director Brian Biesemeyer gave a PowerPoint presentation.
- Mayor Ortega opened public comment on this item. `
- Michael Miola, Rio Verde resident, requested the Intergovernmental Agreement be adopted.
- Mayor Ortega closed public comment on this item.

- Councilmember Graham made a motion to adopt Resolution No. 12892 with the following two amendments:

- The first amendment was specific to the language of Contract No. 2023-141-COS and directed that the second sentence of Section 14 be stricken from the contract. The language to be stricken included: "The Agreement may be administratively extended for a period of one additional (1) year upon mutual agreement of the City Manager and the Chairman of the District Board should the District be legally authorized to exist beyond December 31, 2025."
- 2) The second amendment included drafting a traffic mitigation plan as part of the agreement.

#### Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Littlefield; and Councilmembers Caputi, Durham, Graham, Janik, and Whitehead voting in the affirmative.

#### Public Comment – None

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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**

**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.

**ITEM 13** 

#### 13. 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

Recess Regular Meeting – 6:31 P.M.

Reconvene Regular Meeting - 6:38 P.M.

### **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.

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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.

• Linda Milhaven, former Scottsdale City Councilmember, suggested the Task Force consider what should be done with the remaining tax collections after all the preserve bonds have been paid and to consider a ballot question related to repurposing the funds. Additionally, she hopes that Councilmembers will be open to citizen input and survey results on what should be covered by the renewed tax. She requested the Council direct the Task Force to include public art funding as part of their discussion on possible items that would be covered by a renewed tax.

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. Protect and Preserve Scottsdale Task Force Progress Report

**Request:** Presentation and discussion regarding the Protect and Preserve Scottsdale Task Force's progress report detailing the steps taken to conduct a preliminary survey to define the community's priorities; and define and prioritize unfunded needs.

**Presenter(s):** Sonia Andrews, City Treasurer, Cynthia Wenstrom, Chair, and Raoul Zubia, Vice Chair, Protect and Preserve Scottsdale Task Force

Staff Contact(s): Gina Kirklin, Finance Director, 480-312-5006, rkirklin@scottsdaleaz.gov

## - Protect and Preserve Scottsdale Task Force Chair Cynthia Wenstrom and Vice Chair Raoul Zubia gave a PowerPoint presentation.

- There was Council consensus on the following items:

- Emphasis should be on maintaining and improving parks in south Scottsdale.
- Dedicated funding is needed for the maintenance, protection, and conservation of the Preserve.

- Councilmembers made the following observations and suggestions:

- Renewed tax should focus on parks, preserve, and public safety.
- Prepare a comprehensive list of preserve projects, park projects, and open space with a realistic analysis of how much funding will remain when the bonds are paid off.
- Look at fire mitigation and the protection of our open spaces.
- Determine needed support for Police to ensure safe travel through areas on bicycle and horseback.
- Need additional justification for WestWorld needs related to possible inclusion as a tax measure beneficiary.
- WestWorld tent needs to be removed and a permanent tent installed as this is important for the longevity of WestWorld.
- Examine drones as a possible method for assisting with public safety issues, such as fires.
- Consider using remaining funding to maintain and protect the Preserve in perpetuity.
- Seek resident feedback to determine if the existing tax should be continued.
- Look at possibly changing the .2 percent current tax to another amount.
- Look at options related to the .15 percent tax expiring in 2035.
- Stay flexible and keep options open.
- Tax should not be considered an extension because it is for an entirely different purpose.
- Any tax considered should be viewed as a tax increase.

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- Look at taxing options at .05 percent, .1 percent, and .15 percent and determine how much funding these options would yield.
- Examine a temporary tax period (for example 20 years) instead of a permanent tax.
- Estimate how much of the tax for the Preserve was paid for by visitors.
- Determine costs for a land bridge for the Preserve.
- Any tax under consideration should not be considered a new tax.
- Be very specific on how the tax will benefit people.
- Land acquisition may still be needed.
- Need to ensure that requirements related to the Americans with Disabilities Act are met.
- Create a fund to maintain the Preserve in perpetuity.

#### Adjournment – 7:40 P.M.

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