#### SCOTTSDALE CITY COUNCIL REGULAR MEETING MINUTES TUESDAY, OCTOBER 18, 2022



#### CITY HALL KIVA 3939 N. DRINKWATER BOULEVARD SCOTTSDALE, AZ 85251

#### **CALL TO ORDER**

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:00 P.M. on Tuesday, October 18, 2022 in the City Hall Kiva Forum.

#### **ROLL CALL**

Present: Mayor David D. Ortega; Vice Mayor Tom Durham; and Councilmembers

Tammy Caputi, Betty Janik, Kathy Littlefield, Linda Milhaven and Solange

Whitehead

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer

Sonia Andrews, City Auditor Sharron Walker, and City Clerk Ben Lane

#### PLEDGE OF ALLEGIANCE - Councilwoman Caputi

#### **MAYOR'S REPORT**

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 invited the public to the Desert Dog Police Canine Trials and Public Safety Expobeing held at WestWorld on October 22-23, 2022. The Association of Canine Enforcement has invited over 70 canine teams for the two-day competition.

#### **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.

#### **PUBLIC COMMENT - None**

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

#### **MINUTES**

**Request:** Approve the following Council meeting minutes from September 2022:

- a. Regular Meeting and Work Study Session Minutes of September 13, 2022
- b. Regular Meeting and Work Study Session Minutes of September 20, 2022

#### **MOTION AND VOTE - MINUTES**

Councilwoman Janik made a motion to approve the Regular Meeting and Work Study Session Minutes of September 13, 2022 and the Regular Meeting and Work Study Session Minutes of September 20, 2022. Councilwoman Littlefield 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.

#### **CONSENT AGENDA**

#### 1. Swan Sushi Seafood & Bar Liquor License (72-LL-2022)

**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: 28190 N. Alma School Parkway

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210,

tcurtis@scottsdaleaz.gov

#### 2. Peter Piper Pizza Liquor License (73-LL-2022)

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an owner transfer of a Series 7 (beer and wine bar) State liquor license for an existing location with a new owner.

Location: 7607 E. McDowell Road, Suite 101

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210,

tcurtis@scottsdaleaz.gov

#### 3. The Blind Pig Liquor License (74-LL-2022)

**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: 3370 N. Hayden Road, Suite 116

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

tcurtis@scottsdaleaz.gov

#### 4. Geisha A Go Go, LLC Outdoor Dining License Agreement

**Request:** Adopt **Resolution No. 12617** authorizing Outdoor Dining License Agreement No. 2011-102-COS-A2, a five-year extension to the agreement with Southbridge A Owner, LLC and Geisha A Go Go, LLC, for outdoor dining patio use on city property.

Location: 7150 E. 6th Avenue

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555,

daworth@scottsdaleaz.gov

#### 5. Solid Waste Disposal Services Intergovernmental Agreement

Request: Adopt Resolution No. 12610 authorizing Agreement No. 2016-023-COS-A1, the first amendment to the agreement with the Salt River Pima-Maricopa Indian Community, and its division, the Salt River Commercial Landfill Company, for a one-time transfer fee increase. Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

#### 6. Certified Street Sweeper Grant

Request: Adopt Resolution No. 12593 to authorize:

- 1. The acceptance of a Maricopa Association of Governments Highway User Revenue Funds grant, in an amount not to exceed \$583,494 (\$291,747 each), for the purchase of two new PM-10 certified street sweepers.
- 2. The City Manager, or designee(s), to accept the grant and execute all documents and other necessary or desirable instruments in connection with the acceptance of the funds.

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

#### 7. Trolley Preventative Maintenance Grant

Request: Adopt Resolution No. 12606 to authorize:

- 1. Grant Pass-Thru Agreement No. 2022-158-COS with the City of Phoenix for the acceptance of a Federal Transit Administration grant, in the amount of \$211,160, with a local match contribution in the amount of \$52,790, for a total project amount of \$263,950, for trolley preventative maintenance.
- 2. A budget transfer, in the amount of \$211,160, from the adopted Fiscal Year 2022/23 Transportation and Streets Department's Transportation Fund to a newly created cost center to record the related grant activity.
- 3. The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.

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

#### 8. Bicycle and Pedestrian Safety Education Grant

Request: Adopt Resolution No. 12613 to authorize:

- 1. Contract No. 2022-165-COS with the Arizona Governor's Office of Highway Safety, accepting a grant in the amount of \$50,000 to reimburse the City for overtime costs related to bicycle and pedestrian safety education and enforcement.
- 2. The City Manager, or designee, to execute Contract No. 2022-165-COS.
- 3. A budget transfer, in the amount of \$50,000, from the 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

#### 9. Selective Traffic Enforcement Program Grant

Request: Adopt Resolution No. 12614 to authorize:

- 1. Contract No. 2022-166-COS with the Arizona Governor's Office of Highway Safety, accepting a grant in the amount of \$70,000 to reimburse the City for overtime costs related to the Selective Traffic Enforcement Program.
- 2. The City Manager, or designee, to execute Contract No. 2022-166-COS.
- 3. A budget transfer, in the amount of \$70,000, from the 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

# 10. Driving Under the Influence (DUI) Impaired Driving Enforcement and Education Grant Request: Adopt Resolution No. 12615 to authorize:

- 1. Contract No. 2022-167-COS with the Arizona Governor's Office of Highway Safety, accepting a grant in the amount of \$100,000 to reimburse the City for overtime costs related to DUI impaired driving enforcement and education.
- 2. The City Manager, or designee, to execute Contract No. 2022-167-COS.
- 3. A budget transfer, in the amount of \$100,000, 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

#### 11. Know Your Limit Enhancement Educational Grant

Request: Adopt Resolution No. 12616 to authorize:

- 1. Contract No. 2022-168-COS with the Arizona Governor's Office of Highway Safety, accepting a grant in the amount of \$35,000 to reimburse the City for overtime costs related to Know Your Limit Enhancement educational activities.
- 2. The City Manager, or designee, to execute Contract No. 2022-168-COS.
- 3. A budget transfer, in the amount of \$35,000, 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, <a href="mailto:jwalther@scottsdaleaz.gov">jwalther@scottsdaleaz.gov</a>

## 12. Mapping of High-Threat Locations and Tracking Officer Response Grant Request: Adopt Resolution No. 12624 to authorize:

- 1. Subrecipient Agreement No. 2022-169-COS with the Arizona Department of Homeland Security, accepting a grant in the amount of \$40,000 for the mapping of high-threat locations and tracking officer response through the Global Positioning System (GPS).
- 2. The City Manager, or designee, to execute Agreement No. 2022-169-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, <a href="mailto:jwalther@scottsdaleaz.gov">jwalther@scottsdaleaz.gov</a>

#### 13. Mobile Security Barriers Grant

Request: Adopt Resolution No. 12625 to authorize:

- 1. Subrecipient Agreement No. 2022-170-COS with the Arizona Department of Homeland Security, accepting a grant in the amount of \$83,810 for the purchase of mobile security barriers.
- 2. The City Manager, or designee, to execute Agreement No. 2022-170-COS.
- 3. A budget transfer, in the amount of \$83,810, 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. Terrorism Liaison Officers Training Grant

Request: Adopt Resolution No. 12626 to authorize:

- 1. Subrecipient Agreement No. 2022-171-COS with the Arizona Department of Homeland Security, accepting a grant in the amount of \$25,035 to fund training opportunities for Terrorism Liaison Officers.
- 2. The City Manager, or designee, to execute Agreement No. 2022-171-COS.
- 3. A budget transfer, in the amount of \$25,035, 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

## 15. Audit Committee Recommendation for the Human Services Advisory Commission Sunset Review

**Request:** Accept the Audit Committee's recommendation and authorize the continuation of the Human Services Advisory Commission.

Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

## 16. Audit Committee Recommendation for the Judicial Appointments Advisory Board Sunset Review

**Request:** Accept the Audit Committee's recommendation and authorize the continuation of the Judicial Appointments Advisory Board.

Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, <a href="mailto:swalker@scottsdaleaz.gov">swalker@scottsdaleaz.gov</a>

#### **MOTION AND VOTE - CONSENT AGENDA**

Councilwoman Whitehead made a motion to approve Consent Agenda Items 1 through 16. 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.

#### **REGULAR AGENDA**

#### 17. Voita Residence – Front Window to Door Replacement (52-HP-2022) Appeal

**Request:** Applicant appeal of the Historic Preservation Commission denial regarding the front façade window replacement with double doors for a residence located within the Villa Monterey Unit Two, with Townhouse Residential, Historic Property (R-4 HP) zoning designation.

Location: 7662 E. Coolidge Street (Villa Monterey Units 1-7 Historic District)

Presenter(s): Jesus Murillo, Senior Planner

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism

Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

Senior Planner Jesus Murillo gave a PowerPoint presentation (attached) on the Voita Residence appeal of the Historic Preservation Commission case.

Applicant Patrick Voita gave a presentation on the Voita Residence appeal of the Historical Preservation Commission case.

Mayor Ortega opened public comment.

The following individuals spoke in support of upholding the decision of the Historic Preservation Commission:

- Brin Sherrin, Scottsdale resident
- Rose Smith, Scottsdale resident

The following individual spoke in support of overturning the decision of the Historic Preservation Commission:

Kevin Lesk, Scottsdale resident

Mayor Ortega closed public comment.

#### **MOTION AND VOTE - ITEM 17**

Councilmember Milhaven made a motion to grant the appeal and overturn the Historic Preservation Commission denial regarding the front façade window replacement with double doors. Councilwoman Whitehead seconded the motion, which carried 6/1, with Mayor Ortega and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative and Vice Mayor Durham dissenting.

## 18. Alameda 5 Acres Rezoning (4-ZN-2021) Requests:

- 1. Adopt **Ordinance No. 4553** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-130 ESL) to Single-Family Residential, Planned Residential Development, Environmentally Sensitive Lands (R1-43 PRD ESL) zoning and approval of a development plan with amended development standards for lot area, lot width, and setbacks for a three-lot subdivision on a ±5.6-acre site
- 2. Adopt **Resolution No. 12526** declaring the document titled "Alameda 5 Acres Development Plan" to be a public record.

**Location:** Southwest corner of E. Alameda Road and N. 132<sup>nd</sup> Street alignment **Presenter(s):** Katie Posler, Senior Planner **Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism

Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

Senior Planner Katie Posler gave a PowerPoint presentation (attached) on the Alameda 5 acres rezoning request.

Applicant Representative Keith Nichter, with Kimley-Horn & Associates, Inc., gave a PowerPoint presentation (attached) on the Alameda 5 acres rezoning request.

#### **MOTION AND VOTE - ITEM 18**

Councilwoman Whitehead made a motion to:

- Adopt Ordinance No. 4553 approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-130 ESL) to Single-Family Residential, Planned Residential Development, Environmentally Sensitive Lands (R1-43 PRD ESL) zoning and approval of a development plan with amended development standards for lot area, lot width, and setbacks for a three-lot subdivision on a ±5.6-acre site.
- 2. Adopt Resolution No. 12526 declaring the document titled "Alameda 5 Acres Development Plan" to be a public record.

Councilwoman Caputi 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** 

#### **CITIZEN PETITIONS**

#### 19. **Receipt of Citizen Petitions**

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

No citizen petitions were received.

#### **MOTION AND VOTE – ADJOURNMENT**

Councilwoman Janik made a motion to adjourn the Regular Meeting. Councilwoman Littlefield 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.

#### **ADJOURNMENT**

Mayor David D. Ortega adjourned the Regular Meeting at 6:05 P.M.

SUBMITTED BY:

Ben Lane, City Clerk

Officially approved by the City Council on November 14, 2022

#### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona, held on the 18<sup>th</sup> day of October 2022.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 14<sup>th</sup> day of November 2022.

Ben Lane, City Clerk

## Item 17

# Voita Window to Door Replacement Appeal 52-HP-2022

City Council
October 18, 2022

Coordinator: Jesus Murillo (HPO)

1

### **Action Requested**

Request by applicant for an appeal of the Historic Preservation Commission denial regarding the front façade window replacement with double doors for a residence located within the Villa Monterey Unit Two, with Townhouse Residential, Historic Property (R-4 HP) zoning designation.

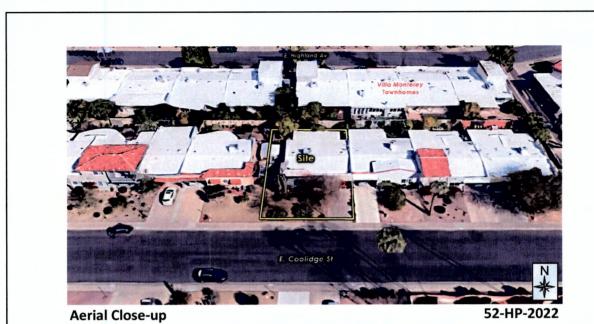


Context Aerial 52-HP-2022

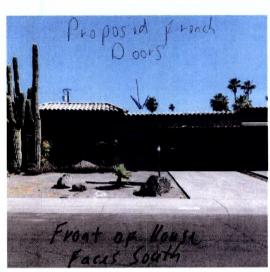
3



Zoning Aerial 35-HP-2022







**Applicant Proposed Modifications** 

Masonite 72 in. x 80 in. Primed White Steel Prehung Right-Hand Inswing Mini Blind Patio Door without Brickmold

黄女女女女の明し



52-HP-2022

7

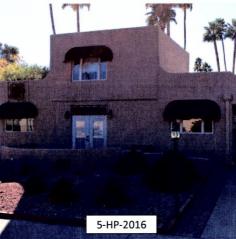


**Applicant Proposed Modifications** 



52-HP-2022



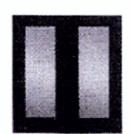


**Similar Requests and Approvals** 

52-HP-2022

9





- HPC denied a similar request (case 35-HP-2022) on June 2, 2022.
- Case was appealed to City Council and approved July 7, 2022

**Previously Appealed Request** 

52-HP-2022

### Historic Preservation September 1, 2022 Decision

Finding that converting a front façade window into a door does not meet the Villa Monterey Units 1-7 Historic Preservation Guidelines:

- Policy 2: Maintain the shape and forms that characterize the building within the development.
- Policy 9: Preserve the historic windows and window coverings that contribute to character of the townhouse.
- Guidelines 9.1 Preserve the location, number, opening size and arrangement of historic windows and original coverings within the primary façade.

The Historic Preservation Commission Denied the Certificate of Appropriateness for 52-HP-2022 with a vote of 5 to 1

11

### **Action Requested**

The HPC found that converting a front façade window into a door does not meet the Villa Monterey Units 1-7 Historic Preservation Guidelines, thus voting to DENY the request with a 5-1 vote.

The DENIAL can be reviewed, and the City Council may:

- Deny the request and uphold the Historic Preservation Commission decision;
- Approve the request and overturn the Historic Preservation Commission with reference to how the project meets the guidelines;
- Approve the request with stipulation/s, overturning the Historic Preservation Commission with reference to how the project meets the guidelines;
- Continue case to allow time for additional work or information to be provided.

### **Action Requested**

Request by applicant for an appeal of the Historic Preservation Commission denial regarding the front façade window replacement with double doors for a residence located within the Villa Monterey Unit Two, with Townhouse Residential, Historic Property (R-4 HP) zoning designation.

13

# Voita Window to Door Replacement Appeal 52-HP-2022

City Council
October 18, 2022

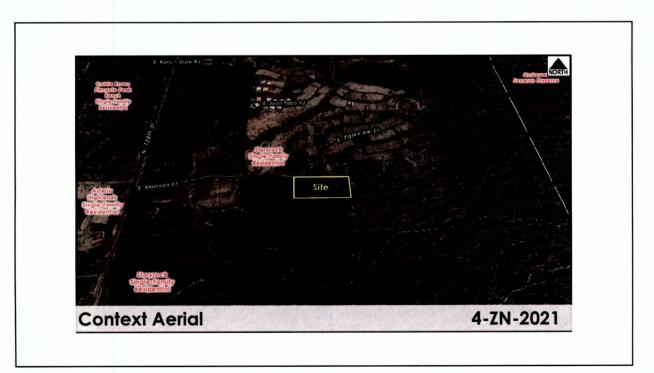
Coordinator: Jesus Murillo (HPO)

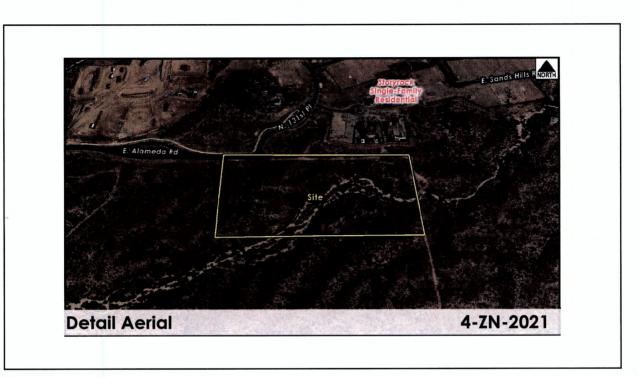
# Alameda 5 Acres 4-ZN-2021

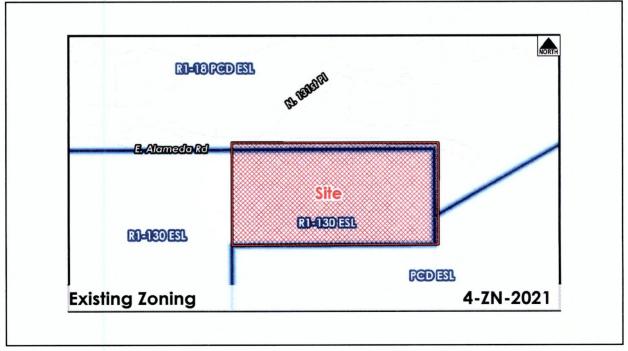
City Council 10/18/22

**Coordinator: Katie Posler** 

1





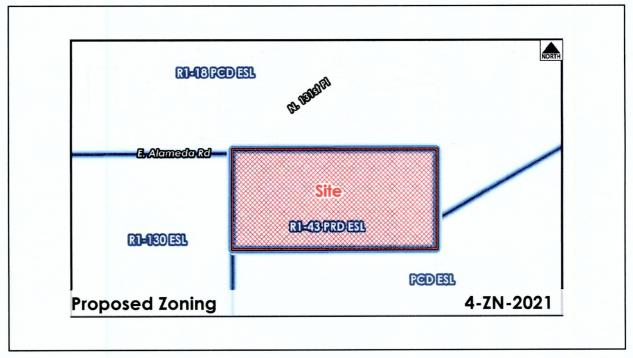


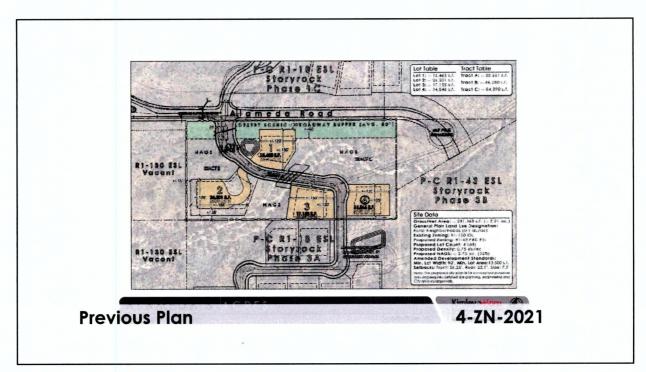
Δ

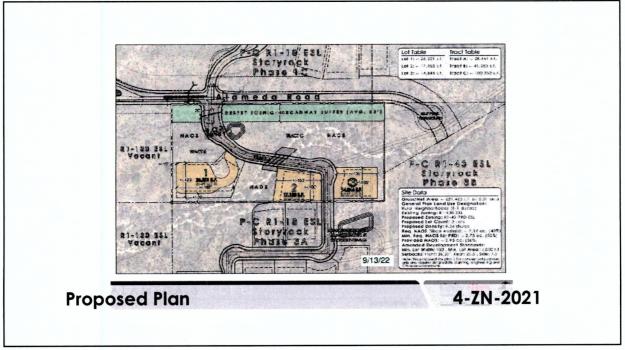
## Request

- Adopt Ordinance No. 4553 approving a Zoning District Map Amendment from Single-family Residential, Environmentally Sensitive Lands (R1-130 ESL) to Singlefamily Residential, Planned Residential Development, Environmentally Sensitive Lands (R1-43 PRD ESL) zoning and approval of a Development Plan with Amended Development Standards for lot area, lot width, and setbacks for a <u>3-lot</u> subdivision on a +/- 5.6-acre site located at the southwest corner of E. Alameda Road and N. 132nd Street alignment.
- 2. Adopt Resolution No. 12526 to declare "Alameda 5 acres Development Plan" as a public record.

5







## **Key Points**

- City Council heard this case on August 22, 2022 and recommended a continuance with a vote of 6-1 to reduce the number of lots proposed and restrict construction access. The applicant has reduced the number of proposed lots from 4, down to 3 lots, and agreed to stipulation #26 which limits construction access to south of E. Ranch Gate Road as requested.
- The site plan revision also increased the amount of provided NAOS on site.
- Planning Commission heard this case with 4 lots on June 22, 2022 and recommended approval with a vote of 7-0.
- Using PRD amended development standards for greater flexibility in design
- Natural Area Open Space (NAOS) primarily in common area tracts for better protection
- Significant preservation of large (266 CFS) wash
- Conformance with Scottsdale General Plan 2035
- Consistent with surrounding, approved Storyrock Master Environmental Design Concept Plan (1-MP-2016)
- · Connectivity with Storyrock Phase 3A preliminary plat provides better circulation for the area
- No public opposition received

9

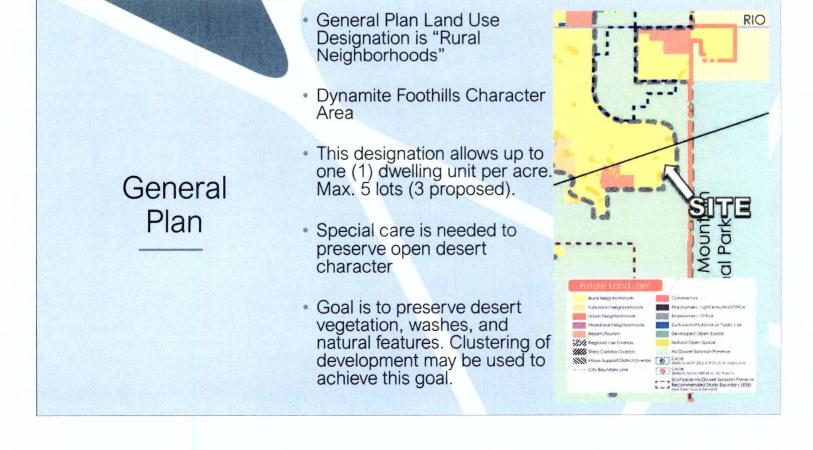
# Alameda 5 Acres 4-ZN-2021

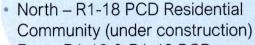
City Council 10/18/22

**Coordinator: Katie Posler** 

## Item 18

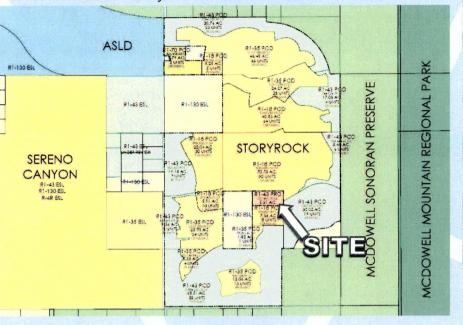






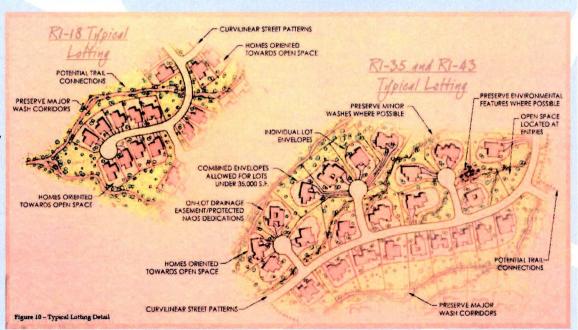
- East R1-18 & R1-43 PCD Residential Community
- South R1-18 PCD Residential Community
- West Vacant R1-130 ESL land

Surrounding Zoning

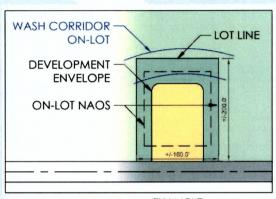


 Construction envelopes are required when NAOS is proposed on individual lots.

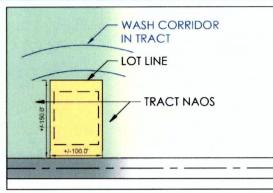
Storyrock Community



## Alameda 5



EXAMPLE STORYROCK R1-43 LOT



PROPOSED AMENDED ALAMEDA 5 R1-43 PRD LOT

Alameda 5
Previous

RI-138 ESL

Vacant

P-CRI-38 ESL

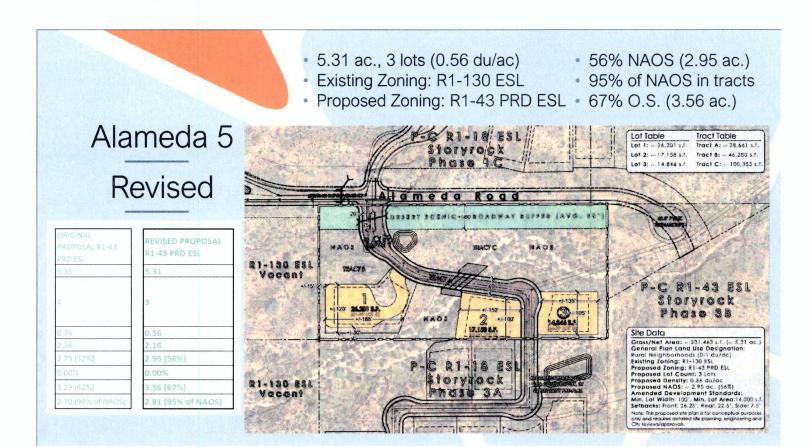
STOTYTOCK

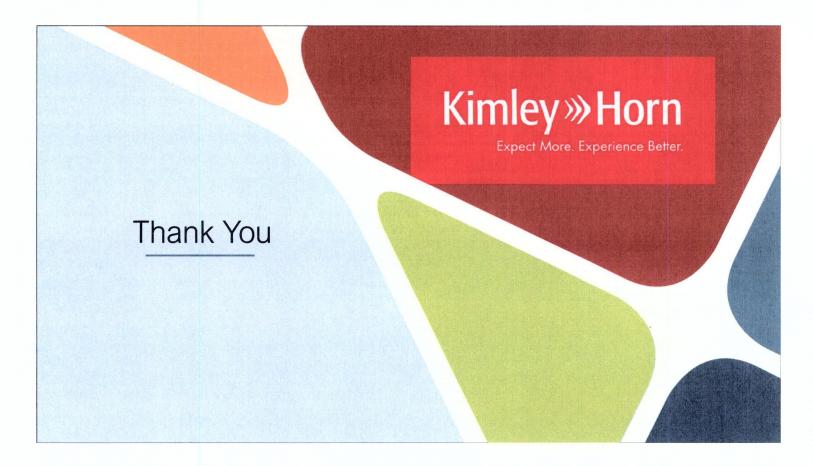
Phase I-C

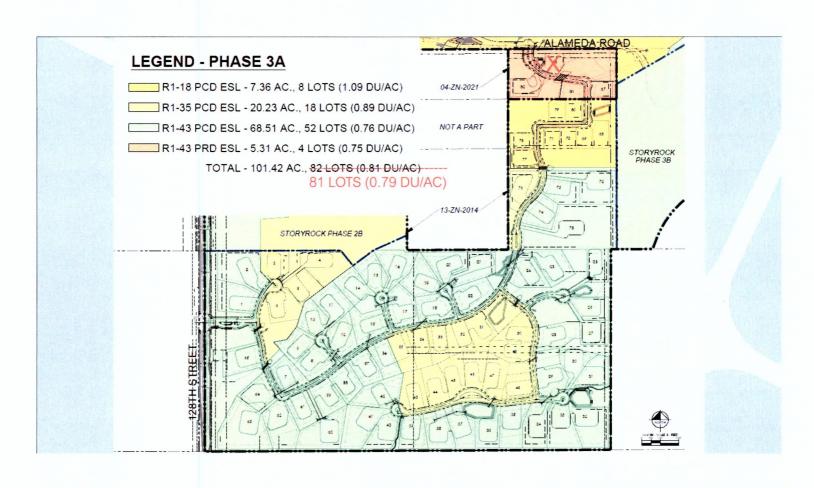
STOTYTOCK

5.31 ac., 4 lots (0.75 du/ac)
52% NAOS (2.75 ac.)
Existing Zoning: R1-130 ESL
98% of NAOS in tracts

Proposed Zoning: R1-43 PRD ESL
 62% O.S. (3.29 ac.)







# Storyrock Community

- Zoning:13-ZN-2014
- Master Plan:1-MP-2016
- Planned Community
  District, ESL, with
  multiple Single-family
  Residential district
  comparable zonings (P-C
  R1-18/ESL, R1-43/ESL,
  R1-35/ESL, and R170/ESL)
- 462 ac., 443 lots (0.96 du/ac
- 50% NAOS

Zoning	Lot Size	Lot Width	Setbacks			Max.
			Front	Side	Rear	Density
R1-70	52,500 s.f.	187.51	45'	22.5'	45'	0.55
R1-43	32,250 s.f.	112.5	30'	15'	26.25	0.83
R1-35	26,250 s.f.	101.25	30'	11.25	26.25	1.04
R1-18	13,500 s.f.	90'	26.25	7.5'	22.5	1.87



