

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Tuesday, January 23, 2024

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 (February 6, 2024).

In-person spoken public comment is being accepted on Items 1 through 17. 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

Tuesday, January 23, 2024

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Call to Order – 5:07 P.M.

Roll Call – All present (Councilwoman 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 – Councilmember Graham

Mayor's Report

– Mayor Ortega called attention to the ongoing wars in foreign countries as they fight to protect their democracy and freedom and asked for a moment of silent reflection for these war-torn countries.

– Mayor Ortega announced Western Week would begin January 27, 2024 with various events around Scottsdale, such as exhibits at Western Spirit Scottsdale Museum of the West, the Gold Palette ArtWalk in the Arts District, Western Weekend at the Waterfront, and the 70th Annual Parada del Sol Parade, and the Arizona Indian Festival. City staff were encouraged to wear their best western outfits for the week.

– Mayor Ortega commented that the Boards and Commissions application process is open and encouraged residents to apply. Applications are being accepted through January 26, 2024 for eight boards and commissions.

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 – French Thompson commented on the Giants Stadium parking impacts to the Old Town area due to decreased parking options at the Stadium over the years since 2005 and stated the need for 2019 Bond Project funding for additional parking. Bob Pejman commented on the history of the P-3 parking program, improvement districts that created additional parking, and the need for 2019 Bond Project funding for additional parking. Brent Bieser commented on an ongoing parking issue at an S-R zoned property located at Scottsdale Road and Vista Drive and recommended zoning ordinance changes to identify parking to match the zoning land use, shared parking to be equal or less intense than the current zoning, and for all S-R projects to go to the Development Review Board.

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 December 2023:

- a. [Regular Meeting and Work Study Session Minutes of December 5, 2023](#)
- b. [Special Meeting Minutes of December 6, 2023](#)
- c. Executive Session Minutes of December 6, 2023

– Councilwoman Janik made a motion to approve the Regular Meeting and Work Study Session Minutes of December 5, 2023; Special Meeting Minutes of December 6, 2023; and Executive Session Minutes of December 6, 2023. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

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 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.

– There was no public comment on the Consent Agenda items.

– Vice Mayor Whitehead made a motion to approve Consent Agenda Items 1 through 15, except Item 6 [Bellevue I Properties Independent Entity Services Intergovernmental Agreement] which was moved to the Regular Agenda and Item 13 [Fiscal Year 2023/24 Capital Improvement Plan Budget Adjustments and Cash Transfers] which was withdrawn from the agenda by city staff. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

CONSENT AGENDA

1. [Postino Highland Liquor License \(83-LL-2023\)](#) – **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: 4821 N. Scottsdale Road, Suite 103
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Pinnacle Brewing Company Conditional Use Permit \(8-UP-2023\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 13002** approving a conditional use permit for a bar use (Pinnacle Brewing Company) in a ±4,333 square foot suite with ±1,636 square feet of outdoor patio space with Highway Commercial (C-3) zoning.
Location: 15111 N. Hayden Road, Suite 100
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
3. [Ritter Abandonment \(5-AB-2023\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 13003** authorizing the abandonment of 8 feet of public street right-of-way of a 40-foot half street, subject to conditions and reservations.

Location: Southeast corner of E. Oak Street and 74th Way (2259 N. 74th Way; adjacent to Parcel No. 131-20-091)

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

4. **Cozy Estates (aka Hanella Estates) Final Plat (3-PP-2018) – Approved on Consent.**

Request: Approve the final plat for a 4-lot residential subdivision with Single-Family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning on a ±4.5-acre site.

Location: 12481 E. Shea Boulevard

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

5. **Geotechnical Engineering Services Contract for Thomas Road: 56th Street to 73rd Street – Approved on Consent.**

Request: Adopt **Resolution No. 13029** authorizing Agreement No. 2024-035-COS with Ninyo & Moore Geotechnical & Environmental Sciences Consultants, in the amount of \$45,000, for geotechnical engineering services for the Thomas Road: 56th Street to 73rd Street (SG03) project.

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

6. **Bellevue I Properties Independent Entity Services Intergovernmental Agreement (IGA)**

Request: Adopt **Resolution No. 13013** to authorize:

1. IGA No. 2024-016-COS with the Housing Authority of Maricopa County for the provision of independent entity services for Bellevue I Properties Project-Based Vouchers (PBV) units to perform inspections and rent reasonableness determinations.
2. The Human Services Director, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.

Location: 7220 and 7224 E. Bellevue Street

Staff Contact(s): Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, jdoyle@scottsdaleaz.gov

– Community Assistance Manager Mary Witkofski and Police Chief Jeff Walther gave a presentation on the proposed Intergovernmental Agreement with the Housing Authority of Maricopa County.

– There was no public comment on Item 6.

– Vice Mayor Whitehead made a motion to adopt Resolution No. 13013 authorizing:

1. **IGA No. 2024-016-COS with the Housing Authority of Maricopa County for the provision of independent entity services for Bellevue I Properties Project-Based Vouchers (PBV) units to perform inspections and rent reasonableness determinations.**
2. **The Human Services Director, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.**

Councilwoman Littlefield seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, and Littlefield voting in the affirmative and Councilmember Graham dissenting.

7. **Reappointment of Pro Tem Judges for City Court – Approved on Consent.**

Request: Adopt **Resolution No. 13015** to authorize:

1. The following reappointments of Pro Tem Judges for a four-year term for the period of February 14, 2024 through February 13, 2028: Scott Chapman, Jerry Landau, Tamika Wooten, and Elizabeth Finn.
2. The affirmation that for Fiscal Year 2023/24, all judges pro tempore shall be paid at a rate of \$74.84 per hour when they serve and that the rate for future years will be established through the annual city budget process.

Staff Contact(s): Marianne Bayardi, Presiding Judge, 480-312-2775, c/o cphelps@scottsdaleaz.gov

8. **City Court Public Defender Professional Services Contracts – Approved on Consent.**

Request: Adopt **Resolution No. 13039** authorizing the following professional services contracts to provide criminal defense representation in City Court:

1. Contract No. 2024-008-COS with the Angulo Law Firm, PLLC
2. Contract No. 2024-009-COS with the Benikov Law Firm
3. Contract No. 2024-010-COS with the Law Office of Adithya Bala, PLLC
4. Contract No. 2024-012-COS with the Law Office of Michelle Bell, PLLC
5. Contract No. 2024-013-COS with the Law Office of Chad D. Niven

Staff Contact(s): Marianne Bayardi, Presiding Judge, 480-312-2775, c/o cphelps@scottsdaleaz.gov

9. **Scottsdale Arabian Horse Show Event Funding – Approved on Consent.**

Request: Adopt **Resolution No. 13014** to authorize:

1. Funding, not to exceed \$60,000, from the portion of the Fiscal Year 2023/24 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale Arabian Horse Show.
2. New Event Funding Agreement No. 2024-017-COS with the Arabian Horse Association of Arizona.

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

10. **Water Conservation Grant Fund Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 13038** to authorize:

1. Water Conservation Grant Fund Agreement No. 2024-039-COS with the Water Infrastructure Finance Authority of Arizona, accepting a grant in the amount of \$250,000, to expand the City's grass removal landscape conversion rebate program.
2. The Water Resources Executive Director to accept and electronically sign the Water Conservation Grant Fund Agreement.
3. A Fiscal Year 2023/24 Water Operating Contingency Appropriation Transfer of up to \$250,000 to a newly created cost center to record the grant activity.
4. The Water Resources Executive Director, and designees, to perform all acts necessary to give effect of this Resolution.

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

11. **Alarm/Security Systems Code Amendment – Approved on Consent.**

Request: Adopt **Ordinance No. 4624** amending Scottsdale Revised Code, Chapter 3, Alarm/Security Systems to allow users to apply for an alarm permit online, receive email notifications, and remove no longer applicable information.

Staff Contact(s): Whitney Pitt, Business Services Director, 480-312-5925, wpitt@scottsdaleaz.gov

12. **Local Transaction Privilege Tax Administration Intergovernmental Agreement (IGA) – Approved on Consent.**

Request: Adopt **Resolution No. 13036** to authorize:

1. Agreement No. 2024-038-COS with the Arizona Department of Revenue regarding administration, collection, audit and/or licensing of the City's transaction privilege tax, use tax, severance tax, jet fuel excise and use taxes, and rental occupancy taxes.
2. That Agreement No. 2024-038-COS supersedes Agreement No. 2019-093-COS.
3. The Business Services Director, or designee, to implement and execute provisions of the IGA and to execute all other documents and take such other actions as may be necessary to carry out the intent of this Resolution.

Staff Contact(s): Whitney Pitt, Business Services Director, 480-312-5925, wpitt@scottsdaleaz.gov

13. [Fiscal Year \(FY\) 2023/24 Capital Improvement Plan \(CIP\) Budget Adjustments and Cash Transfers – Withdrawn by City Staff.](#)
Request: Adopt **Resolution No. 13028** authorizing FY 2023/24 CIP budget adjustments and cash transfers.
Staff Contact(s): Ana Lia Johnson, Interim Budget Director, 480-312-7893, anjohanson@scottsdaleaz.gov

14. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the Fiscal Year 2022/23 Monthly Financial Report as of June 2023 (fiscal year-end).
Staff Contact(s): Ana Lia Johnson, Interim Budget Director, 480-312-7893, anjohanson@scottsdaleaz.gov

15. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the Fiscal Year 2023/24 Monthly Financial Report as of November 2023.
Staff Contact(s): Ana Lia Johnson, Interim Budget Director, 480-312-7893, anjohanson@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 16-17**

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

16. [Headwaters Residential Healthcare Facility Rezoning \(16-ZN-2022\)](#)
Request: At the request of the applicant, continue to the February 6, 2024 City Council meeting.
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

– Mayor Ortega announced the item was being continued to the February 6, 2024 City Council meeting date per the applicant’s request, which was received by the City Clerk at least two days prior to the Council meeting. He noted the continuance request was the first continuance for the case and was granted as a matter of right per the Council’s Rules of Procedure.

17. [Expenditure Limitation Review Policy](#)
Requests:
 1. Presentation, discussion, and possible direction to staff related to past and current expenditure limitation practices and concerns; and the creation of a possible policy moving forward.
 2. Adopt **Resolution No. 13034** to authorize:
 - a. Establishing an Expenditure Limitation Review Policy.
 - b. Amending Fiscal Year 2023/24 Financial Policies adopted through Resolution No. 12755 to include a new policy 1.06, Expenditure Limitation Review, as set forth in Exhibit A and renumbering existing financial policies 1.06 through 1.13 as financial policies 1.07 through 1.14, respectively, to accommodate the new policy 1.06.
Presenter(s): Sonia Andrews, City Treasurer
Staff Contact(s): Anna Henthorn, Accounting Director, 480-312-7805, ahenthorn@scottsdaleaz.gov

– City Treasurer Sonia Andrews gave a PowerPoint presentation on the Expenditure Limitation Review Policy.

– Mayor Ortega opened public comment on this item.

– Austin Fairbanks commented on the proposed policy and expressed concerns regarding raising the expenditure limitation and fiscal responsibility.

– Mayor Ortega closed public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 13034 authorizing:

a. Establishing an Expenditure Limitation Review Policy.

b. Amending Fiscal Year 2023/24 Financial Policies adopted through Resolution No. 12755 to include a new policy 1.06, Expenditure Limitation Review, as set forth in Exhibit A and renumbering existing financial policies 1.06 through 1.13 as financial policies 1.07 through 1.14, respectively, to accommodate the new policy 1.06.

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

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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

ITEM 18

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.

18. 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

WORK STUDY SESSION

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

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

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [here](#). Written comments that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting.

– Mayor Ortega opened public comment on this item.

– Sonnie Kirtley, representing the Coalition of Greater Scottsdale, spoke in support of the Special Noise Violation Ordinance and requested the ordinance apply citywide, that the "A" scale noise meters be replaced with "dBC" scale noise meters, and roof top patio bars not have speakers. She also requested an update on the construction noise mitigation ordinance.

– Mayor Ortega closed public comment on this item.

WORK STUDY SESSION

1. [Special Noise Violation Ordinance](#)

Request: Presentation, discussion, and possible direction to staff regarding a Special Noise Violation Ordinance.

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, McKellips District Police Commander Jeromie O'Meara, Community Involvement Manager Joy Racine, and Management Associate to the City Manager Stephanie Zamora gave a PowerPoint presentation on the Special Noise Violation Ordinance.

– There was Council consensus on the following items:

- Find a balance between the rights of the property owners and the business community as well as looking at the health impacts of loud sounds, while still allowing for a festive environment.
- Continue enforcement of the existing ordinance.
- Conduct further analysis of sound in Scottsdale.
- Identify best practices for sound enforcement.
- Draft ordinance amendments based on Council direction.
- Gain public feedback on draft ordinance.

– Councilmembers made the following observations and suggestions:

- Continue to provide education and outreach with business owners to achieve voluntary compliance.
- Consider a distinction between city sponsored events and private events as city sponsored events are typically larger.
- Review requirements of rooftop bars to mitigate sound.
- Many Homeowner Associations have additional noise guidelines.
- Provide neighbors with advanced notification of special events to mitigate complaints.

- Bass levels should be addressed in the ordinance.
- The ordinance should be applied citywide.
- The ordinance should be applied only in specific areas of the City.
- Determine how the Special Noise Violation Ordinance can be applied to short term rentals.

Adjournment – 7:33 P.M.

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