

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED MAYOR AND COUNCIL ITEM No. 15]

COUNCIL

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

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Monday, May 6, 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 Regular City Council meeting (May 14, 2024).

In-person spoken public comment is being accepted on Items 1 through 13. 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

Monday, May 6, 2024

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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 – Councilmember Durham

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 and for the safety of our military personnel.

– Mayor Ortega presented a proclamation to the 2024 Sustainable Scottsdale Award winner, the organization known as “Our City”.

City Manager’s Report

- **Fast Five Video Update**

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

– 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.

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 – Stephen Casares thanked the Scottsdale Police and Fire Departments for keeping the City safe.

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 [Regular Meeting and Work Study Session Minutes of March 19, 2024](#)

– Mayor Ortega made a motion to approve the Regular Meeting and Work Study Session Minutes of March 19, 2024. Councilwoman Littlefield 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 1-12

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.

– Mayor Ortega stated Item 11 [Nuisance Parties and Vacation Rental Code Amendments] was moved to the Regular Agenda.

– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 12 except Item 11 [Nuisance Parties and Vacation Rental Code Amendments] which was moved to the Regular Agenda. 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.

1. **Jamie’s Bottle Shop Liquor License (13-LL-2024) – 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: 7033 E. Main Street, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Lane Park Scottsdale Liquor License (14-LL-2024) – 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 a new location and owner.
Location: 7232 E. 1st Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Basil’s Booze Liquor License (15-LL-2024) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesaler) State liquor license for a new location and owner.
Location: 10501 N. 116th Street, Unit 1145
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **El Carbon Liquor License (17-LL-2024) – 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 115
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Sereno Canyon Phase 4F2 Final Plat (16-PP-2017#28) – Approved on Consent.**
Request: Approve the final plat to replat Sereno Canyon Plat Phase 4F2, on ±3.89 acres of a 350-acre site, as per Phase 4 of the Sereno Canyon Community Phasing Plan and Final Plat, to establish eight (8) resort units within the Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning portion of the site.

Location: Generally located between E. Alameda Road and E. Pinnacle Peak Road alignment (along N. 128th Street and E. Sereno Canyon Parkway)

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

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

Request: Adopt **Resolution No. 13108** authorizing the following reappointments of Pro Tem Judges for a four-year term for the period of May 17, 2024, through May 16, 2028: Nathan Benedict, Catherine Gaudreau, Jacqueline Kochis-Chapman, Peter Reinstein, and Robert Ventrella.

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

7. **Housing Choice Voucher Program Software Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 13098** authorizing Contract No. 2024-069-COS with Emphasys Computer Solutions, Inc., doing business as Emphasys Software, in the amount of \$18,046, for an additional one-year extension period beyond the five years administratively authorized through Administrative Contract No. 17RP028-A.

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

8. **Post COVID Education and Social Isolation Intergovernmental Agreement (IGA) Amendment – Approved on Consent.**

Request: Adopt **Resolution No. 13120** to authorize:

1. Agreement No. 2023-124-COS-A1, the first amendment to the IGA with the Maricopa County Department of Public Health, extending the term of the IGA to December 31, 2024, to provide services and education related to social isolation experienced by seniors and disabled adults.
2. The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the purpose of this Resolution and IGA.

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

9. **Scottsdale Family Advocacy Center Intergovernmental Agreement (IGA) Amendment – Approved on Consent.**

Request: Adopt **Resolution No. 13101** authorizing Agreement No. 2010-074-COS-A4, the fourth amendment to the IGA with the Arizona Department of Child Safety, extending the term of the IGA to May 31, 2029, for use of the Scottsdale Family Advocacy Center.

Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

10. **Groundwater Well Infrastructure Real Property Acquisition – Approved on Consent.**

Request: Adopt **Resolution No. 13117** to authorize:

1. That certain fee simple and easement interests in certain real properties be acquired by dedication, donation, or purchase, or the exercise of the power of eminent domain as a matter of public necessity, for the public purpose of infrastructure installation to convert Well PG-41 to a production well, to bring new off-project water into the Scottsdale Water portfolio.
2. The City Manager, or designee, to approve revised or substituted legal descriptions and specify additional or other property interests to be acquired for this project; provided, however, that the City Manager may not increase the total area of all property taken as authorized by this resolution by more than twenty percent (20%) without further authority from the City Council.

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

11. **Nuisance Parties and Vacation Rental Code Amendments**

Requests:

1. Adopt **Ordinance No. 4626** amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article VIII, by amending Section 18-122, Definitions; amending Section 18-131, Unlawful for a promoter to advertise, permit or organize a nuisance party or unlawful gathering; unlawful for a promoter to advertise a special event at a residence within the city without having first obtained a special event permit; civil penalties; adding Section 18-132, Scottsdale police officer authority to order persons to leave a nuisance party or unruly gathering; notice; and penalty for failure to leave or entry after notice; and adding Section 18-133, Other remedies, relating to nuisance parties and unlawful gatherings.
2. Adopt **Ordinance No. 4627** amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article IX, by adding Section 18-178, Rental of vacation rentals and short-term rentals by juveniles prohibited; penalty.

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov

– Management Associate Will Brooks gave a PowerPoint presentation on the proposed Nuisance Parties and Vacation Rental Code Amendments.

– There was no public comment on this item.

– Councilwoman Janik made a motion to:

1. Adopt Ordinance No. 4626 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article VIII, by amending Section 18-122, Definitions; amending Section 18-131, Unlawful for a promoter to advertise, permit or organize a nuisance party or unlawful gathering; unlawful for a promoter to advertise a special event at a residence within the city without having first obtained a special event permit; civil penalties; adding Section 18-132, Scottsdale police officer authority to order persons to leave a nuisance party or unruly gathering; notice; and penalty for failure to leave or entry after notice; and adding Section 18-133, Other remedies, relating to nuisance parties and unlawful gatherings.
2. Adopt Ordinance No. 4627 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article IX, by adding Section 18-178, Rental of vacation rentals and short-term rentals by juveniles prohibited; penalty.

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.

12. **Nationwide General Insurance Company v. City of Scottsdale Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 13116** to authorize:

1. Agreement No. 2024-072-COS with Nationwide General Insurance Company, in the amount of \$190,187.67, to settle all claims in *Nationwide General Insurance Company v. City of Scottsdale*, Case No. CV2023-052475, currently pending in Maricopa County Superior Court.
2. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute such documents and take such other actions as necessary to carry out the purpose of this Resolution.

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

REGULAR AGENDA

ITEM 13

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

13. [Public Hearing on the Community Development Block Grant \(CDBG\) Program Fiscal Year \(FY\) 2024/25 Annual Action Plan and the Allocation of CDBG and HOME Investment Partnership \(HOME\) funds](#)

Requests:

1. Solicit public testimony regarding the FY 2024/25 Annual Action Plan for the use of \$1,599,633 in CDBG funds and \$355,614 in HOME funds.
2. Adopt **Resolution No. 13099** to approve the FY 2024/25 Annual Action Plan and authorize the:
 - a. City Manager, or designee, to submit the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).
 - b. Use, award, and allocation of federal CDBG and HOME funds for eligible programs and services and associated contracts.
 - c. Creation of one (1) full-time temporary Human Services Case Worker Grant Funded position at the Granite Reef Senior Center funded by CDBG funds.
 - d. Reprogramming of prior years' remaining funds and program income in the amount of \$379,960.
 - e. Return of revolving loan program income, in the amount of \$174,420, to Belleview properties.
 - f. Execution of associated HUD certifications and contracts.
 - g. Mayor to execute associated CDBG contracts with identified non-profit subrecipients.
 - h. Community Assistance Manager to adjust recommended funding awards as necessary based upon final funding allocations.
 - i. Mayor, City Manager, and Community Assistance Manager to execute any other documents and take such other actions as necessary to carry out the purpose of this Resolution.

Presenter(s): Mary Witkofski, Community Assistance Manager

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

– Community Assistance Manager Mary Witkofski gave a PowerPoint presentation on the proposed Community Development Block Grant (CDBG) Program Fiscal Year (FY) 2024/25 Annual Action Plan and the Allocation of CDBG and HOME Investment Partnership (HOME) funds.

– Mayor Ortega opened the public hearing on this item.

– Neal Shearer, Scottsdale resident, spoke in support of the Resolution, noting the varieties of ways the CDBG program benefits the community and the overall importance of human services.

– Mayor Ortega closed the public hearing on this item.

– Vice Mayor Whitehead made a motion to adopt Resolution No. 13099 to approve the FY 2024/25 Annual Action Plan. 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.

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

ITEM 14

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.

14. 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

MAYOR AND COUNCIL

ITEMS 15-16

***15. Agendize Review of the Zoning Ordinance’s Minor Development Application Approval and Appeal Process at a Future Council Work Study Session

(Item removed at the request of Councilwoman Janik)

Mayor Ortega noted this item was removed from the agenda on April 30, 2024 at the request of Councilwoman Janik.

16. Boards, Commissions, and Task Force Nominations

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration.

- Board of Adjustment (two vacancies) – **Councilwoman Caputi nominated Carlos Gantchoff and Randy Griffin; Councilwoman Janik nominated Paul Garry, and Councilmember Graham nominated Jay Leopold.**
- Citizens’ Bond Oversight Committee (one vacancy) – **Councilwoman Janik nominated Darryl Komesu; Councilwoman Littlefield nominated April Holland; Councilmember Durham nominated Robert Simmons; and Councilmember Graham nominated Tami Smith.**
- Environmental Advisory Commission (one vacancy) – **Councilwoman Littlefield nominated Scott Newell; Vice Mayor Whitehead nominated Nathan Nutter; Councilmember Durham nominated Judah Waxelbaum; and Councilwoman Caputi nominated Alexandra Sellers.**
- Historic Preservation Commission (one vacancy) – **Mayor Ortega nominated Mark Estes; Councilmember Durham nominated Kat Djordjevic; and Councilmember Graham nominated Brandon Fadden.**
- Human Relations Commission (three vacancies) – **Vice Mayor Whitehead nominated Veronica Aguilar, Kris Cano, and Sarah Yaron; Councilmember Durham nominated Muhammad**

Babur and DeMarco Cason; Councilwoman Janik nominated Jeannie McKenna; and Councilwoman Littlefield nominated James Somerville.

- **Human Services Advisory Commission (one vacancy) – Councilmember Durham nominated Roger Lurie; Councilmember Graham nominated Ralph da Costa Nunes; and Councilwoman Caputi nominated Lee Cooley.**
- **Library Board (one vacancy) – Councilmember Graham nominated Carrie Cox; Councilwoman Caputi nominated Janice Shimokubo; Councilwoman Janik nominated Suzanna Gutierrez Colby; Councilwoman Littlefield nominated Dawn Abel; Mayor Ortega nominated Kathy Lane; and Vice Mayor Whitehead nominated Roselyn O’Connell.**
- **Loss Trust Fund Board (one vacancy) – No applications were received.**
- **McDowell Sonoran Preserve Commission (two vacancies) – Councilwoman Caputi nominated Kerry Olsson and Ryan Rybarczyk and Councilwoman Littlefield nominated Michael Pomarico.**
- **Neighborhood Advisory Commission (one vacancy) – Councilwoman Janik nominated Bridget Schwartz-Manock.**
- **Parks and Recreation Commission (one vacancy) – Councilwoman Littlefield nominated Teresa Kim Quale and Councilmember Graham nominated Jamie Alford.**
- **Planning Commission (two vacancies) – Mayor Ortega nominated Barney Gonzales and Michal Ann Joyner; Vice Mayor Whitehead nominated Pamela Iacovo; and Councilmember Durham nominated Doug Craig.**

Note: The only Council action to be taken on Item No. 16 is to select nominees for appointment consideration at a future Council meeting (appointments scheduled for May 14, 2024).

Adjournment – 6:25 P.M.

– Mayor Ortega made a motion to adjourn the Regular Meeting. Councilmember Graham 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.