

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

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

**[ADDED ITEM NOS. A1 AND 32A]**



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**COUNCIL**

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

**Tuesday, October 24, 2023**

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*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://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 (November 13, 2023).*

*In-person spoken public comment is being accepted on Items 1 through 34. 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](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

Tuesday, October 24, 2023

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**Call to Order – 5:09 P.M.**

**Roll Call – All present (Councilmember Durham 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 asked for a moment of silent reflection for the people of Ukraine as they continue their fight for freedom and democracy.**

**– Mayor Ortega noted that Israel is our ally and called for the release of hostages. He requested a moment of silence to remember the innocent lives being lost in the Israel/Hamas war.**

**– Mayor Ortega announced that residents wanting to volunteer their time and institute a positive change in their community are invited to apply until October 31<sup>st</sup> for openings on nine city Boards and Commissions. To learn more information and apply, go to [Scottsdaleaz.gov](http://Scottsdaleaz.gov) and search Boards and Commissions.**

**– Mayor Ortega read a proclamation declaring October 2023 as McDowell Sonoran Preserve Month and presented the proclamation to Kelly McCullough, Interim Chief Executive Officer with the McDowell Sonoran Conservancy.**

**Presentations/Information Updates – Experience Scottsdale President and Chief Executive Officer Rachel Sacco gave a PowerPoint presentation.**

- **Experience Scottsdale Update**

**Presenter(s):** Rachel Sacco, President and Chief Executive Officer

**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 – Brent Bieser commented about the challenges he is facing regarding a S-R zoned property located at Scottsdale and Vista Drive and the parking issues with the hotel across the street in the Town of Paradise Valley.**

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."**

## 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. 32A was added to the agenda on October 19, 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 November 13, 2023.

**– Vice Mayor Whitehead made a motion to accept the agenda as presented. 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.**

## MINUTES

**Request:** Approve the following Council meeting minutes from September 2023:

- a. [Special Meeting Minutes of September 19, 2023](#)
- b. Executive Session Minutes of September 19, 2023
- c. [Regular Meeting Minutes of September 19, 2023](#)

**– Councilwoman Littlefield made a motion to approve the Special Meeting Minutes of September 19, 2023; Executive Session Minutes of September 19, 2023; and Regular Meeting Minutes of September 19, 2023. 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      ITEMS 1-32A

**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.

**– Mayor Ortega opened public comment on Consent Agenda items.**

**– James Davis, Scottsdale resident, spoke on Item 32 [City Manager Employment Agreement]. He expressed concerns regarding the recruitment process and the terms of the employment agreement, specifically noting potential issues with Exhibit A of the contract.**

**– Mayor Ortega closed public comment on Consent Agenda items.**

**– Vice Mayor Whitehead made a motion to approve Consent Agenda Items 1 – 32A, except Item 22 [Ambulance Services Contract Extension] which was moved the Regular Agenda. 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.**

1. **[Little Snitch Liquor License \(58-LL-2023\)](#) – 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:** 8700 E. Pinnacle Peak Road, Suite 106  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **[Chipotle Mexican Grill #4568 Liquor License \(59-LL-2023\)](#) – 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 a new location and owner.  
**Location:** 8099 E. McDowell Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **[Slices Scottsdale Liquor License \(61-LL-2023\)](#) – 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 a new location and owner.  
**Location:** 4017 N. Scottsdale Road, Suite 101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **[Grounds on 2<sup>nd</sup> Liquor License \(62-LL-2023\)](#) – Approved on Consent.**  
**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:** 3703 N. 69<sup>th</sup> Street, Suite 1  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **[Oregano's Pizza Bistro Liquor License \(63-LL-2023\)](#) – 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:** 15544 N. Pima Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **[Oregano's Pizza Bistro Liquor License \(64-LL-2023\)](#) – 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:** 3102 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
7. **[Toka Café and Grill Liquor License \(65-LL-2023\)](#) – 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 a new location and owner.  
**Location:** 7678 E. Greenway Road, Suite 104  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
8. **[1HB Liquor Licenses \(66-LL-2023 and 67-LL-2023\)](#) – 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 and a Series 18 (in-state craft distiller) State liquor license for an existing location with a new owner.  
**Location:** 7042 E. Indian School Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

9. **Born & Bred Liquor License (68-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:** 6149 N. Scottsdale Road, Suite A-101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
10. **CD's Pub & Grill Liquor License (69-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:** 32409 N. Scottsdale Road, Suite 107  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
11. **Corso Italia Liquor License (70-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:** 7704 E. Doubletree Ranch Road, Suite 140  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
12. **Permanent Extension of Premises for First Watch Restaurant #43 (8-EX-2023) – 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 patio.  
**Location:** 16455 N. Scottsdale Road, Suite 107  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
13. **Lifted Trucks – Scottsdale 1029 Conditional Use Permit (5-UP-2022) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 12914** approving an amendment to an existing Conditional Use Permit for Vehicle Sales with Outdoor Display, increasing the site from ±0.77 acres to ±0.96 acres with Highway Commercial (C-3) zoning.  
**Location:** 1101 and 1029 N. Scottsdale Road  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
14. **Preserve Ranch Final Plat (6-PP-2015#2) – Approved on Consent.**  
**Request:** Re-approve the final plat for a new 17-lot residential subdivision with amended development standards for reduced setbacks on a ±30-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-70 ESL) zoning.  
**Location:** Generally located along N. 128<sup>th</sup> Street and E. Oberlin Way (Parcel Nos. 216-77-025A and 216-77-025D)  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
15. **Sereno Canyon Phase 4F1 Final Plat (16-PP-2017#23) – Approved on Consent.**  
**Request:** Approve the final plat to replat Sereno Canyon Plat Phase 4F1, on ±6.49 acres of a 350-acre site, as per Phase 4 of the Sereno Canyon Community Phasing Plan and Final Plat, to establish 17 resort units within the Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning portion of the site.  
**Location:** Generally located along N. 128<sup>th</sup> Street  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

16. **Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Preconstruction Phase Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12942** authorizing Construction Manager at Risk Contract No. 2023-146-COS with Achen Gardner Construction, LLC, in an amount not to exceed \$297,358.32, to provide preconstruction phase services for the Gravity Sewer – TPC Golf Course to the North Pumpback Station Project.  
**Location:** South of Bell Road and on the West Side of Pima Road  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
17. **Citywide Civil Electrical Construction Services Job Order Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12951** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide civil electrical construction services:
  1. Contract No. 2019-194-COS-A3 with AJP Electric, Inc.
  2. Contract No. 2019-195-COS-A4 with CS Construction, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
18. **Citywide General Building Electrical Construction Services Job Order Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12952** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide general building electrical construction services:
  1. Contract No. 2019-183-COS-A3 with Rosendin Electric, Inc.
  2. Contract No. 2019-184-COS-A3 with K2 Electric Newco, LLC
  3. Contract No. 2019-185-COS-A3 with Hawkeye Electric, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
19. **Architectural Services Contracts for Capital Improvement and Facilities Projects – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12957** authorizing the following on-call architectural services contracts for an initial two-year term, in an amount not to exceed \$3,000,000 per contract, for the initial two-year term of each contract with the option to extend for three additional one-year periods:
  1. Contract No. 2023-156-COS with Fucello Architects, LLC
  2. Contract No. 2023-157-COS with Weddle & Gilmore Architects, LLC
  3. Contract No. 2023-158-COS with DWL Architects-Planners, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
20. **Rassner Memorial Scottsdale Library Endowment Allocation for Fiscal Year (FY) 2023/24 – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12956** approving the distribution of up to \$18,300 in interest income from the Rassner Memorial Scottsdale Library Endowment Fund for FY 2023/24 and authorizing the allocation of funds for the purchase of books and literary materials.  
**Staff Contact(s):** Melissa Orr, Interim Library Director, 480-312-2165, [morr@scottsdaleaz.gov](mailto:morr@scottsdaleaz.gov)
21. **Scottsdale ArtWalk Gold Palette Event – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12949** to authorize:
  1. Funding, not to exceed \$75,000, from the portion of the Fiscal Year 2023/24 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale ArtWalk Gold Palette Event.
  2. Event Funding Agreement No. 2023-150-COS with the Scottsdale Gallery Association.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

22. [Ambulance Services Contract Extension](#)

**Request:** Adopt **Resolution No. 12941** authorizing Contract No. 2017-163-COS-A4, the fourth amendment to the contract with Maricopa Ambulance, LLC, for a second additional three-year term for the provision of emergency ambulance services.

**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)

– Fire Chief Tom Shannon gave a presentation on the proposed Ambulance Services Contract Extension.

– There was no public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 12941 authorizing Contract No. 2017-163-COS-A4, the fourth amendment to the contract with Maricopa Ambulance, LLC, for a second additional three-year term for the provision of emergency ambulance services. 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.

23. [Fire Department Urban Area Security Initiative Grant – Approved on Consent.](#)

**Request:** Adopt **Resolution No. 12955** to authorize:

1. The acceptance of Fiscal Year 2023/24 Arizona Department of Homeland Security and Federal Emergency Management Agency Urban Area Security Initiative grant funds in the amount of \$42,400.
2. The Fire Chief, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of this Grant.
3. A Budget Transfer, in the amount of \$42,400, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center within the Fire Department's operating budget to record the related grant activity.

**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)

24. [Computer Aided Dispatch \(CAD\) Software Services Contract – Approved on Consent.](#)

**Request:** Adopt **Resolution No. 12968** authorizing Contract No. 2023-167-COS with Intergraph Corporation, through its Hexagon Safety, Infrastructure and Geospatial Division (Hexagon), for an additional one-year extension period beyond the five years administratively authorized for CAD software and software support services through Administrative Solicitation and Contract No. 20SS039.

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

25. [Police Homeland Security Urban Area Security Initiative Grant – Approved on Consent.](#)

**Request:** Adopt **Resolution No. 12960** to authorize:

1. Agreement No. 2023-161-COS with the Arizona Department of Homeland Security Urban Area Security Initiative accepting a grant, in the amount of \$57,974, to fund chemical, biological, radiological, and nuclear equipment to sustain capabilities for the central region and assist operators during critical incidents.
2. The Police Chief, or designee, to execute Agreement No. 2023-161-COS.
3. A Budget Transfer, of up to \$57,974, from the adopted Fiscal Year 2023/24 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](mailto:jwalther@scottsdaleaz.gov)

26. **Proposition 202 Grant Funds Acceptance – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12948** to authorize:
1. Agreement No. 2023-149-COS with the Salt River Pima-Maricopa Indian Community for the acceptance of Proposition 202 Tribal Gaming Funds in the amount of \$1,117,090.
  2. A Budget Transfer, of up to \$431,962, from the adopted Fiscal Year 2023/24 Future Grants Budget and/or Grant Contingency Budget to newly created cost centers to record the grant activity.
  3. A Budget Transfer, of up to \$685,128, from the adopted Fiscal Year 2023/24 City Manager Division Operating Budget to newly created cost centers to record the grant activity.
- Staff Contact(s):** Dale Wiebusch, Government Relations Director, 480-312-2683, [dwiebusch@scottsdaleaz.gov](mailto:dwiebusch@scottsdaleaz.gov)
27. **Fiscal Year (FY) 2023/24 Capital Improvement Plan (CIP) Budget Adjustments – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12950** authorizing FY 2023/24 CIP budget adjustments.  
**Staff Contact(s):** Ana Lia Johnson, Interim Budget Director, 480-312-7893, [anjohanson@scottsdaleaz.gov](mailto:anjohanson@scottsdaleaz.gov)
28. **Monthly Financial Report – Approved on Consent.**  
**Request:** Accept the Fiscal Year 2023/24 Monthly Financial Report as of August 2023.  
**Staff Contact(s):** Ana Lia Johnson, Interim Budget Director, 480-312-7893, [anjohanson@scottsdaleaz.gov](mailto:anjohanson@scottsdaleaz.gov)
29. **Designation of Assured Water Supply – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12940** to authorize:
1. The City Manager to sign an application for a modification of the designation of an Assured Water Supply.
  2. The various City officers and employees to perform all acts necessary to give effect to this Resolution.
- Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
30. **Human Resources Management Code Amendment – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4611** amending Scottsdale Revised Code, Chapter 14, Human Resources Management, by adding Section 14-91 to provide for paid parental leave.  
**Staff Contact(s):** Monica Boyd, Human Resources Director, 480-312-2615, [mboyd@scottsdaleaz.gov](mailto:mboyd@scottsdaleaz.gov)
31. **Audit Committee Recommendation for the Parks and Recreation Commission Sunset Review – Approved on Consent.**  
**Request:** Accept the Audit Committee’s recommendation and authorize the continuation of the Parks and Recreation Commission.  
**Staff Contact(s):** Lai Cluff, Acting City Auditor, 480-312-7851, [lcluff@scottsdaleaz.gov](mailto:lcluff@scottsdaleaz.gov)
32. **City Manager Employment Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12972** authorizing the Mayor to execute Employment Agreement No. 2023-171-COS with James V. Thompson.  
**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)
- \*\*\*32A. **Scottsdale Dia De Los Muertos Event – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12971** 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 Dia De Los Muertos Event.
  2. Event Funding Agreement No. 2023-170-COS with LORE Southwest Media and Arts, LLC.
- Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)



## REGULAR AGENDA      ITEM 33-34

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

### 33. [Swags Rezoning \(2-ZN-2023\)](#)

**Requests:**

1. Adopt **Ordinance No. 4610** approving a zoning district map amendment from Central Business Parking Downtown Overlay (C-2/P-3 DO) to Downtown/Downtown Multiple Use Type-3 Parking Downtown Overlay (D/DMU-3 P-3 DO) with amended development standards for a new three-story restaurant on a ±0.29 gross acre site.
2. Adopt **Resolution No. 12938** declaring the document titled “*Swags Amended Development Standards*” to be a public record.

**Location:** 7323 E. Shoeman Lane

**Presenter(s):** Bryan Cluff, Planning and Development Area Manager

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

– Mayor Ortega announced that the applicant’s requested a continuance for the item. Per the Rules of Council Procedure Rule 9.2, for applicant requests to be granted as a matter of right, the request must be submitted to the City Clerk two business days prior to the Council Meeting. Because this request was not received by last Friday, it cannot be granted as a matter of right. Requests failing to comply with the two-day notice requirement may be made by the applicant but are subject to public comment and may or may not be granted at the reasonable discretion of the Council by a simple majority vote.

– Applicant representative Jordan Rose, with the Rose Law Group, gave a presentation on the request for a continuance.

– There was no public comment on the continuance request.

– Councilwoman Janik made a motion to continue the item to the December 4, 2023 Council Meeting 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.

### 34. [Old Town Scottsdale Character Area Plan Update – Phase 1](#)

**Request:** Adopt **Resolution No. 12745** to:

1. Authorize a minor amendment to the Scottsdale General Plan 2035 by amending the Old Town Character Area Plan and amending references to the Old Town Scottsdale Character Area Plan in Scottsdale General Plan 2035.
2. Declare the amended document entitled “*Old Town Scottsdale Character Area Plan*” to be a public record.

**Presenter(s):** Adam Yaron, Planning and Development Area Manager

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

– Planning and Development Area Manager Adam Yaron gave a PowerPoint presentation.

– There was no public comment on this item.

– Vice Mayor Whitehead made a motion to adopt Resolution No. 12745, with the additional name change of the pedestrian place from Loloma Plaza to Museum Square, to:

1. Authorize a minor amendment to the Scottsdale General Plan 2035 by amending the Old Town Character Area Plan and amending references to the Old Town Scottsdale Character Area Plan in Scottsdale General Plan 2035.

2. **Declare the amended document entitled “Old Town Scottsdale Character Area Plan” to be a public record.**

**Councilwoman Janik seconded the motion.**

**– Councilmember Graham made an alternate motion to continue the item to a later date. Councilwoman Littlefield seconded the motion. Councilmember Graham later withdrew the alternate motion and Councilwoman Littlefield rescinded her second.**

**– The Council then voted on Vice Mayor Whitehead’s original motion to adopt Resolution No. 12745 with the additional change from Loloma Plaza to Museum Square, 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.

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.”**

## **CITIZEN PETITIONS**

### **ITEM 35**

**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.

#### **35. 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](mailto:blane@scottsdaleaz.gov)

**Adjourn Regular Portion of Council Meeting – 6:51 P.M.**

**Convene Work Study Session – 7:05 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.

**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. – None**

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [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.

1. **Public Art Program**

**Request:** Presentation, discussion, and possible direction to staff regarding the City's public art program and funding, including possible changes, public outreach efforts, and a timeline for revisions to the Public Art Ordinances.

**Presenter(s):** Karen Churchard, Tourism and Events Director

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

**– Tourism and Events Director Karen Churchard and Director of Public Art Kati Ballares, with Scottsdale Arts, gave a PowerPoint presentation.**

**– There was Council consensus on the following items:**

- **Set aside a certain percentage of the 1% Funding for Public Art for the preservation, repair, and maintenance of existing art pieces.**
- **Provide a recommendation on the percentage to set aside for the repair and maintenance of existing art piece, possibly looking at other city budgets to help determine an applicable percentage.**
- **Further explanation on how the 1% Funding is calculated.**
- **Further explanation on what sources make up the 1% Funding.**
- **Further explore the concept of pooling individual project funds to create larger art pieces, noting it is important to develop guidelines for the equitable placement of these larger art pieces throughout the city.**

**– Councilmembers made the following observations and suggestions:**

- **Consider rotating art pieces to different locations, noting that some pieces may be too iconic or fragile to relocate.**
- **Appreciate the artwork design at the soccer fields on Bell Road.**
- **Ensure art pieces are equitably distributed throughout the city.**
- **Provide list of capital improvement projects for review.**
- **Create a map of potential sites for art projects.**
- **Examine opportunities around the canal bank areas.**

2. **Quarterly Financial and Capital Improvement Plan (CIP) Updates**

**Request:** Receive, discuss, and provide possible direction on the City Treasurer's quarterly financial presentation and/or the City Engineer's CIP presentation as of September 2023.

**Presenter(s):** Sonia Andrews, City Treasurer and Alison Tymkiw, City Engineer

**Staff Contact(s):** Ana Lia Johnson, Interim Budget Director, 480-312-7893, [anjohanson@scottsdaleaz.gov](mailto:anjohanson@scottsdaleaz.gov)

- City Treasurer Sonia Andrews and City Engineer Alison Tymkiw gave PowerPoint presentations.
- Councilmembers made the following observations and suggestions:
  - Continue to be conservative with financial projections.
  - The traffic light at Scottsdale Road and 1<sup>st</sup> Avenue is needed.
  - Look at installing electric vehicle chargers that utilize photovoltaic cells or panels around the City Hall area.
  - For the future, consider repurposing light poles that are being replaced.
  - For future Capital Improvement Plan presentations, consider a spreadsheet presentation like the spreadsheet provided during the Quarterly Financial Update.

**Adjournment – 8:24 P.M.**

– Vice Mayor Whitehead made a motion to adjourn the Regular Meeting and Work Study Session. 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.