

SCOTTSDALE

CITY COUNCIL MEETING

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

[ADDED ITEM NOS. A1 AND 21]



COUNCIL

W.J. "Jim" Lane, Mayor
Suzanne Klapp
Virginia L. Korte
Kathleen S. Littlefield

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, May 21, 2019

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 (June 11, 2019).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 P.M.

Roll Call – All present

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Scottsdale Chorus led the audience in the Pledge of Allegiance and graced the meeting with a rendition of "The Star-Spangled Banner." Mayor Lane presented a proclamation to Scottsdale Chorus proclaiming 2019 as "The Year of Scottsdale Chorus."

Invocation – Former Councilman Dennis Robbins

Mayor's Report – Mayor Lane presented a proclamation in honor of Public Works Week to City staff members Lisa Johnson, representing Transportation; Andrew Dorame, representing Facilities; Rob Billson, representing Fleet Management; Martha West, representing Capital Project Management; and Dan Worth, representing Public Works.

Presentations/Information Updates – Parks and Recreation Supervisor Nick Molinari presentation.

- **Best Park or Open Space Award**

Presenter(s): Nick Molinari, Parks and Recreation Operations Supervisor; Brent Stockwell, Assistant City Manager

Public Comment – Gilbert Vice Mayor Eddie Cook spoke on The Town of Gilbert's civility resolution. Former Councilman David Ortega commented on the Maverick Mural. Lynne Sullivan expressed concern about a new flood plain map that indicates her neighborhood is located within a floodplain. Christine Frank expressed opposition to a proposed Windmill/Stagecoach rezoning that would increase the density on property adjacent to her neighborhood.



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

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items.

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 card 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 ITEMS

Added Items: 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 Items

Regular Item No. 21 was added to the agenda on May 16, 2019.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is June 11, 2019.

– Councilmember Korte made a motion to accept the agenda as presented. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-18

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. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the Council will decide which items to remove for additional discussion and/or presentation from staff. 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.

– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 18. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

1. [Phoenix Wine Liquor License \(27-LL-2019\)](#) – Approved on Consent.

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

Location: 8658 E. Shea Boulevard, Suite 180

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

2. **Phoenix Wine Liquor License (28-LL-2019) – 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: 8658 E. Shea Boulevard, Suite 180
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Toca Madera Liquor License (37-LL-2019) – 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: 4736 N. Goldwater Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Koi Poke Liquor License (48-LL-2019) – 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: 7135 E. Camelback Road, Suite 175
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Permanent Extension of Premises for Schmooze Workspace & Café (6-EX-2018) – 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 include the front patio.
Location: 4222 N. Marshall Way
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Sereno Canyon Phase 3A Final Plat (16-PP-2017#3) – Approved on Consent.**
Request: Approve the final plat and improvement plans to replat 10 existing lots to 12 lots on 39± acres of a 350±-acre site, as outlined in Phase 1A of the Sereno Canyon Community Phasing Plan, within the Single-Family Residential District, Environmentally Sensitive Lands (R1-43/ESL) zoning portion of the site.
Location: Between E. Alameda Road and E. Ranch Gate Road along N. 124th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Deer Valley Townhomes Rezoning (3-ZN-2017) – Approved on Consent.**
Request: Adopt **Ordinance No. 4396** approving a zoning district map amendment from Planned Convenience Center (PCoC) district zoning to Medium Density Residential (R-3) district zoning to allow for the development of a 9-unit townhome community on a 1±-acre site located on the northwest corner of E. Deer Valley Road and N. Miller Road.
Location: 21818 N. Miller Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **City Services Contract to Manage Construction of Structural Foundations at SkySong – Approved on Consent.**
Request: Adopt **Resolution No. 11460** authorizing Contract No. 2019-086-COS with SkySong Office 5, LLC, in the amount of \$57,607, to manage the construction of three structural foundations for a public art installation within the SkySong development.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

9. **Loloma Lands Purchase and Sale Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11481** authorizing Agreement No. 2018-029-COS-A2, the second amendment to the agreement with ARC Scottsdale Holdings, LLLP, regarding the acquisition of real property owned by the City located east of N. Goldwater Boulevard and west of N. Marshall Way, both north and south of 2nd Street.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

10. **Paiute Neighborhood Center Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11422** authorizing Agreement No. 2016-056-COS-A2, the second amendment to the agreement with Boys and Girls Club of Greater Scottsdale, for the use of space at the Paiute Neighborhood Center.
Staff Contact(s): William Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsdaleaz.gov

11. **Water Recharge and Long-Term Storage Credit Assignment Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11438** authorizing Agreement No. 2019-057-COS with Tonto Hills Domestic Water Improvement District for water recharge and long-term storage credit assignment.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

12. **Police Vehicle and Equipment Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11464** to authorize:
 1. Highway Safety Contract No. 2019-066-COS with the Arizona Governor’s Office of Highway Safety to receive grant funds in the amount of \$57,500 to purchase a police-rated vehicle and associated equipment.
 2. A budget transfer in the amount of \$57,500 from the FY 2018/19 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

13. **Experience Scottsdale Destination Marketing Plan – Approved on Consent.**
Request: Adopt **Resolution No. 11416** authorizing the FY 2019/20 Strategic Business Plan, Performance Standards, and Contract Budget under Destination Marketing Services Contract No. 2017-079-COS with Scottsdale Convention and Visitors Bureau, Inc., dba Experience Scottsdale.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

14. **Tourism Event Funding Programs – Approved on Consent.**
Request: Adopt the following resolutions authorizing use of the Tourism Development Fund for FY 2019/20 events that meet the criteria of the following Tourism Event Funding Programs:
 1. **Resolution No. 11446** authorizing the Event Venue Fee Funding Program and the Mayor to execute individual agreements with each event producer.
 2. **Resolution No. 11447** authorizing the Community Event Funding Program and the Mayor to execute individual agreements with each event producer.
 3. **Resolution No. 11448** authorizing the Matching Event Advertising Funding Program and the Mayor to execute individual agreements with each event producer.
 4. **Resolution No. 11449** authorizing the Multi-Year Community Event Funding Program and the Mayor to execute individual agreements with each event producer.
 5. **Resolution No. 11450** authorizing the New Event Development Funding Program, subject to Council approval of such agreements, and authorizing staff to use the New Event Development Guidelines to evaluate whether an event qualifies for funding.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

15. [Assignment/Re-assignment to Philip Clayton – Approved on Consent.](#)
Request: Adopt **Resolution No. 11482** authorizing the City's assignment/re-assignment to employee Philip Clayton of potential claims including third party claims arising from an employment-related incident on or about May 23, 2018.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
16. [Reiss v. City of Scottsdale et al. Legal Fees – Approved on Consent.](#)
Request: Adopt **Resolution No. 11479** authorizing the maximum legal fees to be incurred in Contract No. 2015-027-COS with Holloway Odegard & Kelly, PC, in an amount not to exceed a total of \$435,000 for the defense of the City and its officers and employees in the matter of *Reiss v. City of Scottsdale, et al.*, CV2018-010843 currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
17. [Riester v. City of Scottsdale et al. Offer of Judgment – Approved on Consent.](#)
Request: Adopt **Resolution No. 11488** approving an Offer of Judgment in the amount of \$50,000 to the Plaintiffs in *Riester v. City of Scottsdale, et al.*, Maricopa County Superior Court No. CV2018-004269, or otherwise resolving the pending litigation.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
18. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2018/19 Monthly Financial Report as of March 2019.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 19-21**

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time ***may*** be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

19. [Messinger Family Honorary Naming of Scottsdale Heritage Connection Space](#)
Request: Adopt **Resolution No. 11435** authorizing the honorary naming of the interior space of the Scottsdale Heritage Connection structure that will be installed by mid-June 2019 in the Civic Center library to recognize the Messinger Family.
Presenter(s): Kira Peters, Library Director
Staff Contact(s): William Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsdaleaz.gov
– Library Director Kira Peters presentation.
– Councilman Phillips made a motion to adopt Resolution No. 11435. Mayor Lane seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.
20. [Alexan Scottsdale Rezoning and Abandonment \(21-ZN-2018 and 17-AB-2018\)](#)
Requests:
 1. Adopt **Ordinance No. 4390** approving a zoning district map amendment from Highway Commercial (C-3) zoning and Single-Family Residential (R1-7) zoning to Planned Unit Development (PUD) zoning, including approval of a development plan with amended development standards, for the purpose of constructing a mixed-use development with 282 residential units and 10,800± square feet of non-residential space on a 8.26±-acre site located at 7242 E. Palm Lane and 1939–2007 N. Scottsdale Road.

2. Adopt **Resolution No. 11425** declaring the document titled “*Alexan Scottsdale Development Plan*” to be a public record.
3. Adopt **Resolution No. 11426** authorizing the abandonment of a 12,047± square-foot portion of a 20-foot-wide alleyway located adjacent to 7242 E. Palm Lane and 1939, 2001, 2003, 2007, 2009, 2011, 2013, 2015, and 2017 N. Scottsdale Road with Highway Commercial (C-3) and Single-Family Residential (R1-7) zoning.

Presenter(s): Brad Carr, Principal Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

– **Presentations from Principal Planner Brad Carr and Applicant Representative John Berry.**
– **Councilman Phillips made a motion to Adopt Ordinance No. 4390, Resolution No. 11425, and Resolution No. 11426. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.**

*****21. Scottsdale’s Modified Flight Path Proposals to the Federal Aviation Administration**

Request: Adopt **Resolution No. 11499** authorizing the Mayor to submit comments on behalf of the City to the Federal Aviation Administration (FAA) regarding issues arising from the FAA’s having redirected Sky Harbor air traffic in ways that have detrimentally affected Scottsdale residents.

Presenter(s): Bruce Washburn, City Attorney; Brad Lundahl, Government Relations Director

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

– **City Attorney Bruce Washburn presentation.**
– **Councilman Phillips made a motion to adopt Resolution No. 11499. Councilmember Korte seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.**

Public Comment – None

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CITIZEN PETITIONS

ITEM 22

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 card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

22. 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): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

Mayor and Council Items – None

Adjournment – 6:51 P.M.