

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



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

**[ADDED CONSENT ITEM No. 13A AND REWORDED REGULAR ITEM No. 14]**

### **COUNCIL**

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

Linda Milhaven  
Guy Phillips  
David N. Smith

**Tuesday, May 23, 2017**

*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 13, 2017).*

**5:00 P.M.**

**MARKED AGENDA**

### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:05 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 – Girl Scout Troop 1667, Leader Anita Elko**

**Invocation – Mayor Lane requested a moment of silence to honor the victims of the Manchester bombing.**

**Mayor's Report – Mayor Lane noted the passing of Lorraine White, a Scottsdale native and wife of the City's first mayor, Malcom White.**

**Presentations/Information Updates – None**

**Public Comment – Betty Janik, Christie Kinchen, Jason Alexander, and Michael Norton commented on the Desert Discovery Center.**

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.



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)

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 [Retreat Meeting Minutes of April 17, 2017](#), and [Regular Meeting Minutes of April 25, 2017](#).

**– Councilmember Korte made a motion to approve the Retreat Meeting Minutes of April 17, 2017, and Regular Meeting Minutes of April 25, 2017. Councilman Phillips seconded the motion, which carried 7/0.**

## CONSENT AGENDA      ITEMS 1-13A

**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 13A. Councilman Phillips seconded the motion, which carried 7/0.**

- [Herbal Nail and Spa Liquor License \(22-LL-2017\) – 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:** 6590 N. Scottsdale Road, Suite 150  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- [Filiberto’s Mexican Food and Bar Liquor License \(23-LL-2017\) – 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:** 8110 E. McDowell Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- [Mod Pizza Liquor License \(24-LL-2017\) – Approved on Consent.](#)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 12 (restaurant) State liquor license.  
**Location:** 10893 N. Scottsdale Road, Suite 101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- [BCA 77, LLC Rezoning \(1-ZN-2017\) – Approved on Consent.](#)**  
**Request:** Adopt **Ordinance No. 4305** approving a zoning district map amendment from Industrial Park District (I-1) to General Commercial District (C-4) on a 1.05±-acre site.  
**Location:** 7995 E. Paradise Lane  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

5. **Zone 2 Water System Improvements Construction Phase Services Contract Modification – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10791** authorizing CM@Risk Contract No. 2017-033-COS-A1 with MGC Contractors, Inc., in the amount of \$4,074,170 for a portion of the Zone 2 Water System Improvements Project.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
6. **Crime Lab Latent Print Comparison and AFIS Room Budget Transfer – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10813** authorizing a FY 2016/17 General Fund Capital Contingency Budget appropriation transfer in the amount of \$22,000 to the Crime Lab Latent Print Comparison and AFIS Room capital project (JD06), of which \$20,000 will be funded by Crime Lab Assessment funds and \$2,000 will be funded by the General Fund.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
7. **Fire Department Mutual Aid Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10793** authorizing Agreement No. 2017-070-COS with Rural/Metro Fire Department, Inc. (Rural), to allow the City to charge Rural for operational responses by the Fire Department, effective July 1, 2017.  
**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
8. **State Lobbying Services Contract Modification – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10744** authorizing Contract No. 2015-118-COS-A3 with The Aarons Company, LLC, in the amount of \$51,500, to provide state lobbying services on behalf of the City for FY 2017/18.  
**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)
9. **League of Arizona Cities and Towns Annual Membership Dues – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10745** authorizing payment of annual membership dues in the amount of \$97,000 to the League of Arizona Cities and Towns for FY 2017/18.  
**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)
10. **Proposition 202 Grant Applications – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10746** authorizing the Government Relations Director to submit Proposition 202 grant applications to the various local Indian Nations on behalf of City-operated programs during the period of July 1, 2017, through June 30, 2018.  
**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)
11. **Jensen v. City of Scottsdale Settlement Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10812** to:
  1. Authorize settlement in the approximate amount of \$425,848, and compliance with the terms set forth in a Petition for Approval of Final Settlement and Release of Undisputed Supportive Medical Maintenance Benefits filed before the Industrial Commission of Arizona, Claim No. 20020-840668.
  2. Rescind Resolution No. 10780 that was adopted by Council on April 4, 2017.**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
12. **Ibarra Lopez v. City of Scottsdale et al. Settlement Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10815** authorizing settlement in the amount of \$37,500 of Maria Catalina Ibarra Lopez's lawsuit against the City entitled *Ibarra Lopez v. City of Scottsdale, et al.*, Case No. CV2016-096878, currently pending in the Maricopa County Superior Court.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

13. **Monthly Financial Report – Approved on Consent.**

**Request:** Accept the FY 2016/17 Monthly Financial Report as of March 2017.

**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

\*\*\*13A. **Fuciarelli v. City of Scottsdale et al. Legal Fees – Approved on Consent.**

**Request:** Adopt **Resolution No. 10810** authorizing legal fees to be incurred in Contract No. 2015-035-COS with the law firm of Struck Wieneke & Love, in an amount not to exceed a total of \$450,000, for the defense of *Fuciarelli v. City of Scottsdale et al.*, Cause No. CV-14-01078-PHX-GMS, currently pending in the United States District Court.

**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 14-17**

**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.**

\*\*\*14. **Public Hearing and Adoption of Fiscal Year 2017/18 Rates and Fees**

**Requests:**

1. Accept citizen comments at a public hearing regarding proposed rates and fees.
2. Adopt **Ordinance No. 4308**, amending Scottsdale Revised Code, Chapter 49, Water, Sewers and Sewage Disposal by adjusting miscellaneous water and sewer/water reclamation rates and charges, effective July 1, 2017, and water rate (volumetric and base) charges effective November 1, 2017.
3. Adopt **Resolution No. 10799** declaring the document entitled "*Amendments to Chapter 49, Scottsdale Revised Code – Water, Sewers and Sewage Disposal*" to be a public record.
4. Adopt **Resolution No. 10779**, setting the Scottsdale Fire Department Fees & Charges Schedule, effective July 1, 2017.
5. Adopt **Resolution No. 10809** authorizing the Human Services Department Court-Directed Program Fee, effective July 1, 2017.
6. Adopt **Resolution No. 10769**, setting the Special Event Fee Schedule, effective July 1, 2017.

**Presenter(s):** Brian Biesemeyer, Water Resources Director; Tom Shannon, Fire Chief; Bill Murphy, Community Services Director; Karen Churchard, Tourism and Events Director

**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

**– Presentations from Water Resources Director Brian Biesemeyer, Fire Chief Tom Shannon, Community Services Director Bill Murphy, Tourism and Events Director Karen Churchard, and Budget Director Judy Doyle.**

**– Councilmember Korte made a motion to adopt Ordinance No. 4308, Resolution No. 10799, Resolution No. 10779, Resolution No. 10809, and Resolution No. 10769. Councilwoman Milhaven seconded the motion, which carried 7/0.**

15. **Public Hearing on and Adoption of Proposed Fiscal Year 2017/18 Budget (Tentative Budget)**

**Requests:**

1. The City Council solicits and receives public input relative to the entire Proposed FY 2017/18 Budget, which includes both the Operating Budget and Capital Improvement Plan. The City Council may direct staff to make revisions to the Proposed FY 2017/18 Budget prior to adoption, or may adopt the proposed version as the Tentative Budget required for conformity with Arizona Revised Statutes and City Charter.

2. Adopt **Ordinance No. 4306** as presented (or as modified by Council) establishing the Tentative Budget for FY 2017/18. Establishment of the Tentative Budget statutorily fixes the maximum expenditure limit. The maximum expenditure limit may still be lowered by Council before final budget adoption. Adoption of Ordinance No. 4306 also directs the City Clerk to meet obligations regarding publication and notices imposed by Arizona Revised Statutes and City Charter. Through adoption of Ordinance No. 4306, Council also tentatively adopts the FY 2017/18 Classification Plan and Explanations in conformity with Scottsdale Revised Code Sec. 14-20, *et seq.*, and authorizes the City Manager to approve Other Premium Pay and Special Duty Pay programs in conformity with Scottsdale Revised Code Sec. 14-24.

**Presenter(s):** Judy Doyle, Budget Director; Dan Worth, Public Works Director

**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

- **Presentations from Budget Director Judy Doyle and Public Works Director Dan Worth.**
- **Councilman Smith made a motion to transfer \$5 million from the unreserved fund balance to the General Fund Capital Improvement Program. The motion died for lack of a second.**
- **Vice Mayor Klapp made a motion to adopt Ordinance No. 4306 establishing the Tentative Budget for FY 2017/18. Councilmember Korte seconded the motion, which carried 7/0.**

16. **[Sign Ordinance Update – Temporary Signs Text Amendment \(2-TA-2016\)](#)**

**Requests:**

1. Adopt **Ordinance No. 4300** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Article VII. (General Provisions) and Article VIII. (Sign Requirements) for the purpose of modifying the sign requirements for temporary and semi-permanent signs and to remove special event sign regulations from the Zoning Ordinance.
2. Adopt **Resolution No. 10727** declaring the document entitled “2-TA-2016 – *Sign Ordinance Update – Temporary Signs*” to be a public record.

**Presenter(s):** Andrew Chi, Planner

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

- **Planner Andrew Chi presentation.**
- **Councilwoman Milhaven made a motion to Adopt Ordinance No. 4300 and Resolution No. 10727. Vice Mayor Klapp seconded the motion, which carried 7/0.**

17. **[Monthly Financial Update](#)**

**Request:** Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of April 2017.

**Presenter(s):** Jeff Nichols, City Treasurer

**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

- **City Treasurer Jeff Nichols presentation.**

**Public Comment – Mark Stuart provided an update on the Save Our Preserve efforts.**

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.”**

## 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 card 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 agendaize 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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjournment – 6:51 P.M.**