

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, APRIL 4, 2017**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:02 P.M. on Tuesday, April 4, 2017, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane; Vice Mayor Suzanne Klapp; and Councilmembers Virginia Korte, Kathleen, Linda Milhaven, Guy Phillips, and David N. Smith

Also Present: City Manager Jim Thompson, Deputy City Attorney Sherry Scott, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Daisy Troop 770, Troop Leader Nikki Coburn

INVOCATION – Pastor David Joynt, Valley Presbyterian Church

MAYOR'S REPORT – None

PRESENTATIONS – None

PUBLIC COMMENT

- Judy Pollick commented on Sober Living Homes.
- Taylor Buttrey, Arts Manager for STARS, spoke about the successful partnership between STARS and the Scottsdale Museum of Contemporary Arts.

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

MINUTES

Request: Approve the Regular Meeting Minutes of March 7, 2017.

MOTION AND VOTE – MINUTES

Councilmember Korte made a motion to approve the Regular Meeting Minutes of March 7, 2017. Councilwoman Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA

1. Spinato's Pizza Liquor License (8-LL-2017)

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: 11108 N. Frank Lloyd Wright Boulevard, Suite E14

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

2. J's Kaiyo Sushi+Bar Liquor License (11-LL-2017)

Item 2 was moved to the Regular Agenda (Page 4).

3. Village Tavern Liquor License (13-LL-2017)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing Series 12 (restaurant) State liquor license.

Location: 8787 N. Scottsdale Road, Suite 234

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

4. Sienna Hills Lot 1 Replat (13-PP-2014#2)

Request: Approve the replat of Lot 1 and Tract B in the Sienna Hills subdivision with Single-Family Residential, Environmentally Sensitive Lands (R1-18 ESL) zoning.

Location: Northwest corner of N. 124th Street and E. Sahuaro Drive

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

5. Booster Pump Stations 157 and 158 Construction Bid Award

Request: Adopt **Resolution No. 10701** authorizing Construction Bid Award No. 17PB017 to MGC Contractors, Inc., the lowest responsive bidder, in the amount of \$8,999,000 for construction of Booster Pump Station 157 and Booster Pump Station and Reservoir 158.

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

6. Citywide Water Resources Underground Infrastructure Job Order Contract Modifications

Request: Adopt **Resolution No. 10734** authorizing the following job order contract modifications for the third option year for Citywide water resources underground infrastructure construction services:

1. Contract No. 2015-099-COS-A1 with Achen Gardner Construction, LLC
2. Contract No. 2015-100-COS-A1 with B&F Contracting, Inc.
3. Contract No. 2015-101-COS-A1 with CSW Contractors, Inc.

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

7. DC Ranch Park Municipal Use Master Site Plan

Removed from the agenda at the request of staff.

8. Strada Racing Club WestWorld Event Agreement

Request: Adopt **Resolution No. 10736** authorizing Contract No. 2017-041-COS with Strada Racing Club, Inc., to practice and train on Lot D, the asphalt pad of the recessed retention area at WestWorld, from April 2017 through July 2017.

Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

9. Update to Vehicle Marking Standards

Request: Adopt **Resolution No. 10755** to authorize:

1. Updating the official City vehicle marking standards.
2. The City Manager to designate certain City vehicles as exempt and unmarked.
3. Classifying exemption-related records as confidential.

Staff Contact(s): Kelly Corsette, Communications and Public Affairs Director, 480-312-2336, kcorsette@scottsdaleaz.gov

10. Municipal Property Corporation Excise Tax Bond Issuance for Water and Aviation Projects

Request: Adopt **Resolution No. 10765** to authorize:

1. The execution and delivery of an agreement with the Scottsdale Municipal Property Corporation providing for financing and approving the issuance of bonds in the amount of \$42 million for water/wastewater improvements and \$27 million for aviation improvements, for a total of \$69 million, in one or more series, as tax-exempt and/or taxable bonds, to finance public improvements.
2. The form of the agreement, trust indenture and a continuing disclosure certificate with respect to the bonds.
3. Ratifying the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

- 11. Dunn Transit, Inc. v. City of Scottsdale Settlement Agreement and Release**
Request: Adopt **Resolution No. 10771** authorizing Agreement No. 2017-058-COS with Dunn Transit, Inc., in the amount of \$85,000 to settle a lawsuit entitled *Dunn Transit, Inc. v. City of Scottsdale*, Case No. CV2017-002563, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
- 11A. Jensen v. City of Scottsdale Settlement Agreement**
Request: Adopt **Resolution No. 10780** authorizing settlement in the approximate amount of \$140,073 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.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Vice Mayor Klapp made a motion to approve Consent Agenda Items 1 through 11A, absent Item 2, which was moved to the Regular Agenda, and Item 7, which was removed from the agenda at the request of staff. Councilmember Korte seconded the motion, which carried 7/0.

REGULAR AGENDA

- 2. J's Kaiyo Sushi+Bar Liquor License (11-LL-2017)**
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: 4412 N. Miller Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

Tim Curtis presented an overview of the request for a new Series 12 Liquor License for a new location and owner. Mr. Curtis also answered questions regarding the ownership of the restaurant.

The following spoke in support of the liquor license application:

- Applicant's representative Jeff Miller
- Applicant's attorney Jacob Hippensteel
- Applicant and owner Pajman Malihi

The following spoke in opposition to the liquor license application:

- Attorney Marvin Manross, representing J&M Food Services, LLC

MOTION AND VOTE – ITEM 2

Vice Mayor Klapp made a motion to approve Liquor License 11-LL-2017, J's Kaiyo Sushi+Bar, for a new location and owner at 4412 N. Miller Road. Mayor Lane seconded the motion, which carried 7/0.

12. Mayor's Youth Council Internship Program

Request: Adopt **Resolution No. 10767** recognizing the Mayor's Youth Council's Internship Program for high school students beginning in FY 2017/18.

Presenter(s): Greg Bestgen, Human Services Director

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

Human Services Director Greg Bestgen introduced Human Services Specialist Nora O'Connell Krause, staff representative and advisor for the Mayor's Youth Council. Ms. O'Connell Krause provided an overview of the Mayor's Youth Council. Mayor's Youth Council members Steven Adelburg, Shaliz Barzani, Dylann Cox, and Lauren Wachtel gave a PowerPoint presentation (attached) on their request for a resolution supporting the group's Internship Program.

MOTION AND VOTE – ITEM 12

Councilwoman Milhaven made a motion to adopt Resolution No. 10767 recognizing the City of Scottsdale Community Services Mayor's Youth Council Internship Program for high school students beginning in FY 2017/18. Councilmember Korte seconded the motion, which carried 7/0.

13. Associate City Judge Reappointment

Request: Discuss, consider, and take possible action to reappoint Orest Jejna, Associate City Judge, to a term of four years, including terms of employment, as set forth in City Code, to begin on May 1, 2017.

Presenter(s): Donna Brown, Human Resources Director

Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov

Human Resources Director Donna Brown introduced the item and provided general information about the City's Judicial Appointments Advisory Board (JAAB). JAAB Chair Judge Bruce Cohen explained the reasons for the Board's recommendation to reappoint Associate City Judge Jejna to a four-year term.

The following spoke in support of Associate City Judge Jejna's reappointment:

- Scottsdale Attorney Craig Rosenstein
- Scottsdale Bar Association representative to JAAB Jim Padish
- Attorney Alex Benikov
- Attorney Lawrence Kaplow

MOTION AND VOTE – ITEM 13

Councilmember Korte made a motion to reappoint Associate City Judge Orest Jejna to a four-year term, including terms of employment, as set forth in City Code, to begin May 1, 2017. Vice Mayor Klapp seconded the motion, which carried 7/0.

14. Citizen Petition Requesting Removal of Cactus Path from the Transportation Master Plan

Request: Discuss, consider, and provide possible direction to staff on a citizen petition, as provided by the City Charter, seeking removal of the Cactus Path from the Transportation Master Plan.

Transportation Department Recommendation:

- A. Retain Cactus Path in the 2016 Transportation Master Plan; and
- B. Direct staff to complete the design and construction of the paved shared use Cactus Path.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651,
pbasha@scottsdaleaz.gov

Transportation Director Paul Basha and Executive Assistant Strategic Projects Kroy Ekblaw gave PowerPoint presentations (attached) on the proposal to build Cactus Path.

The following spoke in support of the petition and removing Cactus Path from the Transportation Master Plan:

- Fred Leeder, Scottsdale resident
- Diane T. Annett, Scottsdale resident
- Patrick Dale, Scottsdale resident
- Dan Hart, Scottsdale resident
- Mark Stuart, Scottsdale resident

The following spoke in opposition to the petition and in support for retaining Cactus Path in the Transportation Master Plan:

- Paul Holley, Transportation Commissioner

MOTION – ITEM 14

Councilman Smith made a motion to direct staff to bring back an item removing Cactus Path from the Transportation Master Plan. Councilman Phillips seconded the motion. No vote taken.

ALTERNATE MOTION AND VOTE – ITEM 14

Councilmember Korte made an alternate motion to retain Cactus Path in the Transportation Plan, making sure that the design addresses the items that were listed in the binder provided by the citizens, including respecting the desert, erosion control, costs, the gate, and flooding. Mayor Lane seconded the motion, which carried 4/3, with Councilmembers Littlefield, Phillips, and Smith dissenting.

PUBLIC COMMENT – Mark Stuart provided an update on the Save Our Preserve efforts.

CITIZEN PETITIONS

19. Receipt of Citizen Petitions

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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

The Regular City Council Meeting adjourned at 8:31 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

Officially approved by the City Council on

April 25, 2017

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 4th day of April 2017.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 25th day of April 2017.



Carolyn Jagger, City Clerk

Item 12

Scottsdale Mayor's Youth Council SMYC

Youth Internships
Supporting Youth and City



Mission Statement:

The City of Scottsdale High School Internship Program connects youth with City departments in order to teach youth valuable workforce skills, give youth career experience, and provide Scottsdale with future untapped economic talent.

Scottsdale Mayor's Youth Council (SMYC)

Provides Scottsdale Youth the opportunity to learn about their local government, tour facilities, and share their voice.



Original Concept

Brought up as a Citizen Petition during the Scottsdale Mayor's Youth Council's Simulated Council activity, headed by SMYC members.



School Connections

Available to:

- Saguaro High School's Math and Science Academy for STEAM Internships required for graduation from the program
- Other high schools that have internship requirements for different programs, including career exploration

Benefits to Scottsdale Youth

1. Work Experience
2. Promotes students to become high achievers
3. Allows for exploration of potential careers
4. Meets high school internship needs
5. Pioneers high school internships

Benefits to City of Scottsdale

1. Strengthens future workforce creating higher quality workers
2. Generates interest in future careers in government sector
3. Builds business profile, economic development; and workforce
4. Allows city to invest in its future
5. Makes Scottsdale a more desirable place for families with students
6. Builds Scottsdale brand in business world by creating more experienced workforce

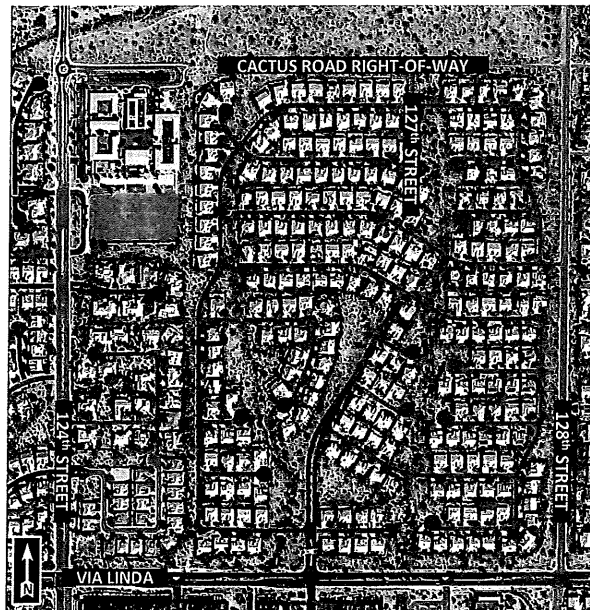
Conclusion

Scottsdale Youth Internships are an opportunity that benefits not only high school students, but also the City of Scottsdale and its future workforce.



Item 14

Cactus Path:
Anasazi School to 128th Street
City Council Meeting
4 April 2016
Response to Petition Request





GENERAL PLAN MOBILITY ELEMENT

“Protect the physical integrity of regional networks to help reduce the number, length, and frequency of automobile trips, to improve air quality, reduce traffic congestion, and enhance quality of life and the environment.”

GENERAL PLAN MOBILITY ELEMENT

“Provide facilities that enhance safety and connectivity.”

2016 TRANSPORTATION MASTER PLAN

“1. Transportation network shall maximize travel route choices, travel mode choices, and access and mobility for all ages and abilities.”

EXAMPLES OF EXISTING SITUATIONS CONTRARY TO POLICIES







**EXAMPLE OF
EXISTING SITUATION
CONFORMING TO POLICIES**

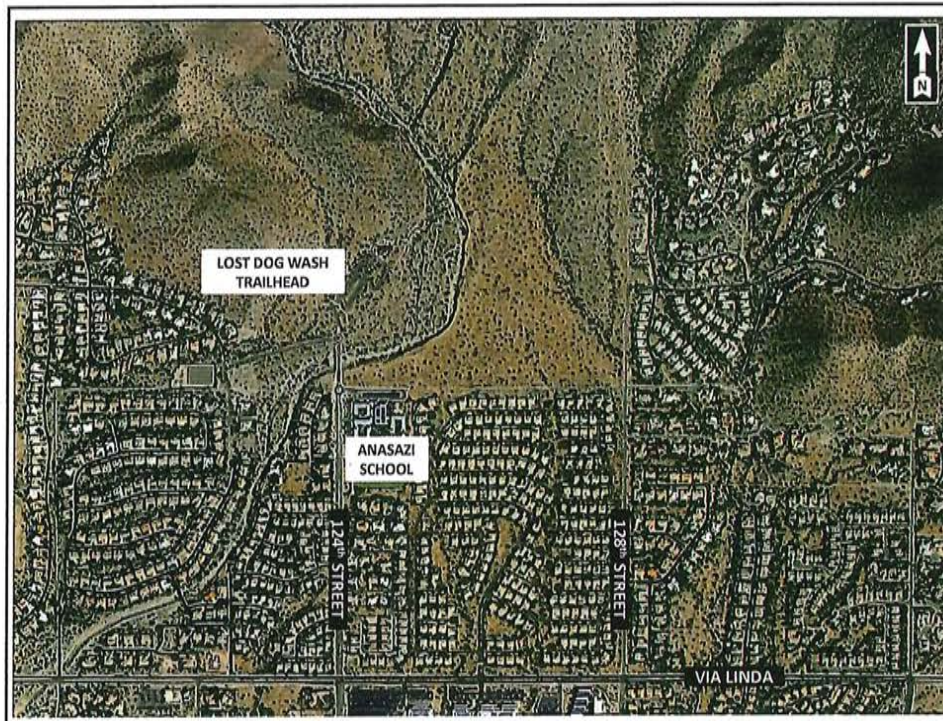


REQUESTED BY:

**Previous Scottsdale School Superintendent
David Peterson**

and

**Previous Anasazi School Principal
Jeff Quisberg**





Grayhawk, West of Hayden Road and
North of Thompson Peak Parkway



McDowell Mountain Ranch,
North of McDowell Ranch Road
and West of 105th Street



TYPICAL PATH

- 10 feet wide
- Grey
- Straight
- 20 to 30 foot buffer
- Striping
- Lighting

CACTUS PATH

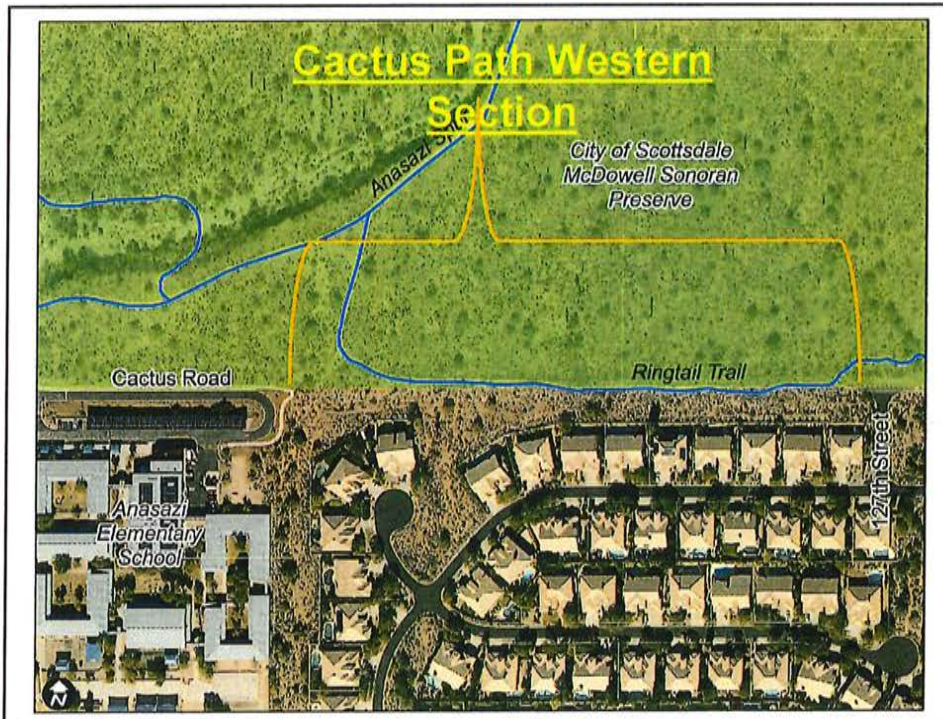
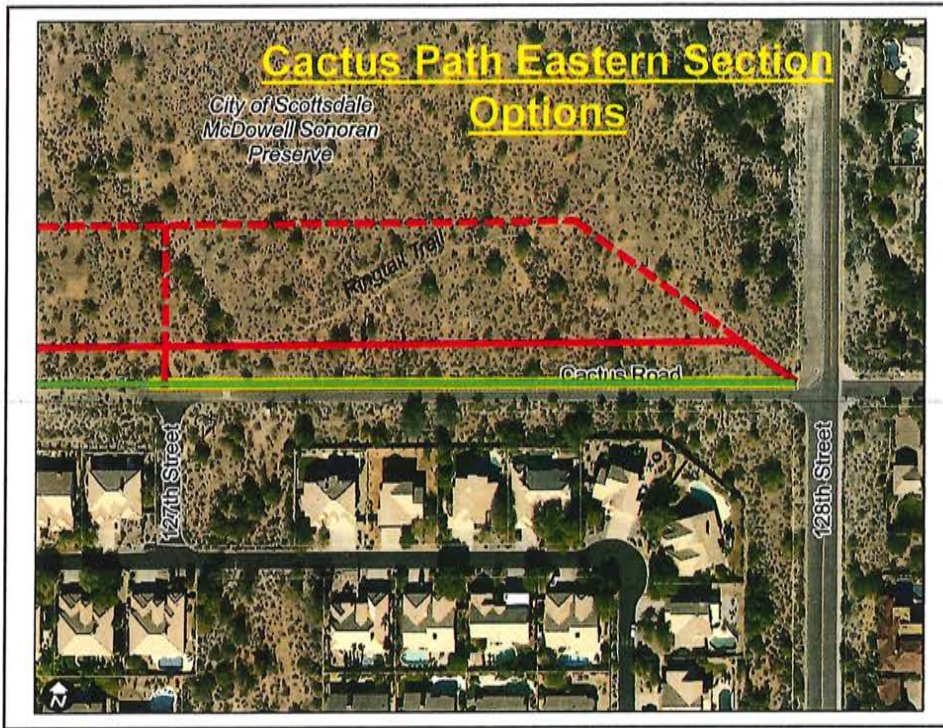
- 8 feet wide
- Dark Tan
- Curvilinear
- 55+ foot buffer
- No Striping
- No Lighting

**ADDITIONAL COMMITMENTS TO SONORAN HEIGHTS
FOR CACTUS PATH**

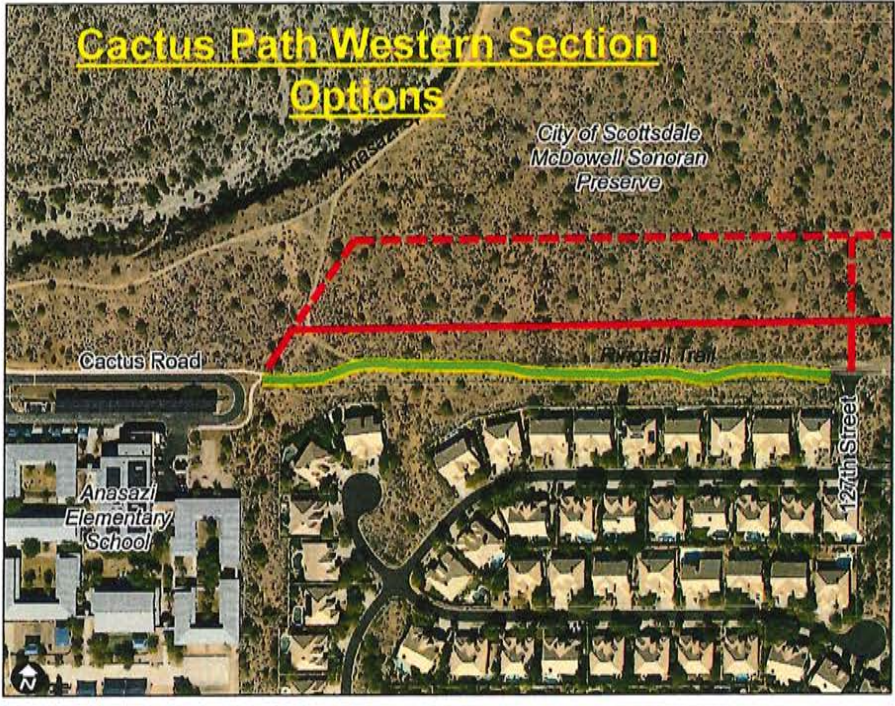
- **Cactus Path as far north as possible**
- **Darker concrete than current path**
- **2 to 4 foot shoulder on current path**
- **2 to 4 foot shoulder on new path**
- **Same elevation at wash crossings**
- **Additional vegetation south of path**
- **Design review prior to construction**

REASONS FOR CONCRETE RATHER THAN GRAVEL

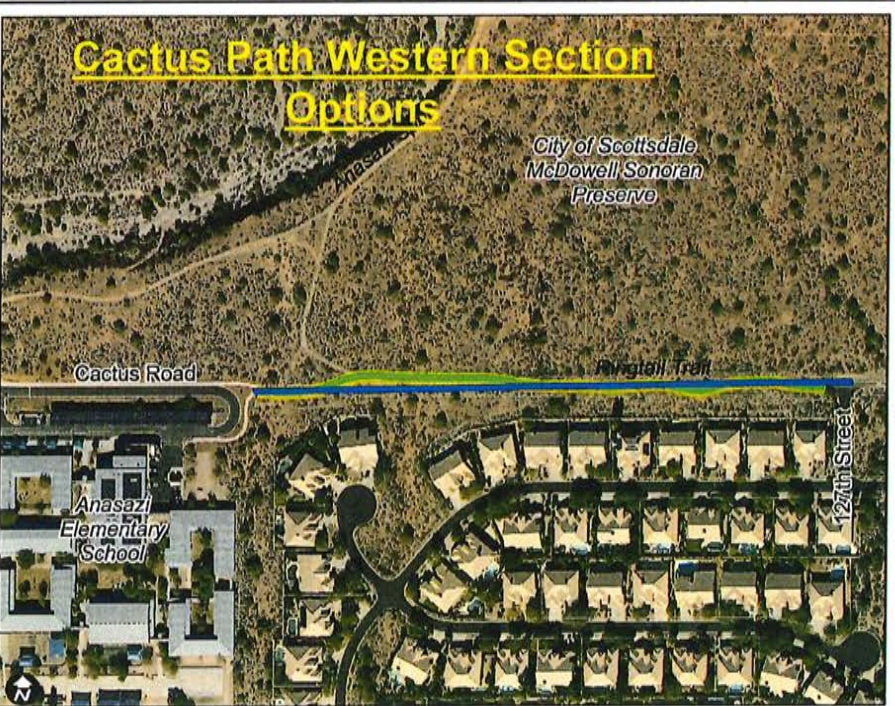
- **Compliant with Americans with Disabilities Act**
- **All-weather, firm, stable**
- **All bicycles, in-line skates, skateboards, razors**
- **Compatible with young bicyclists**
- **Strollers, wheelchairs**
- **Lower maintenance costs**
- **Minimal replacement costs**
- **Substantially longer life**

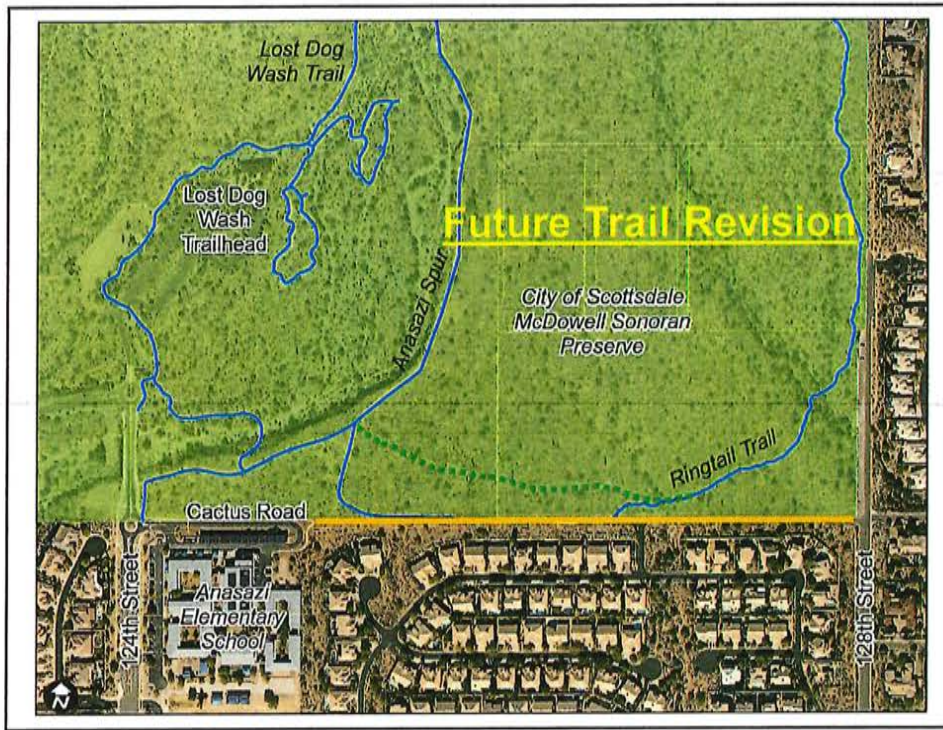


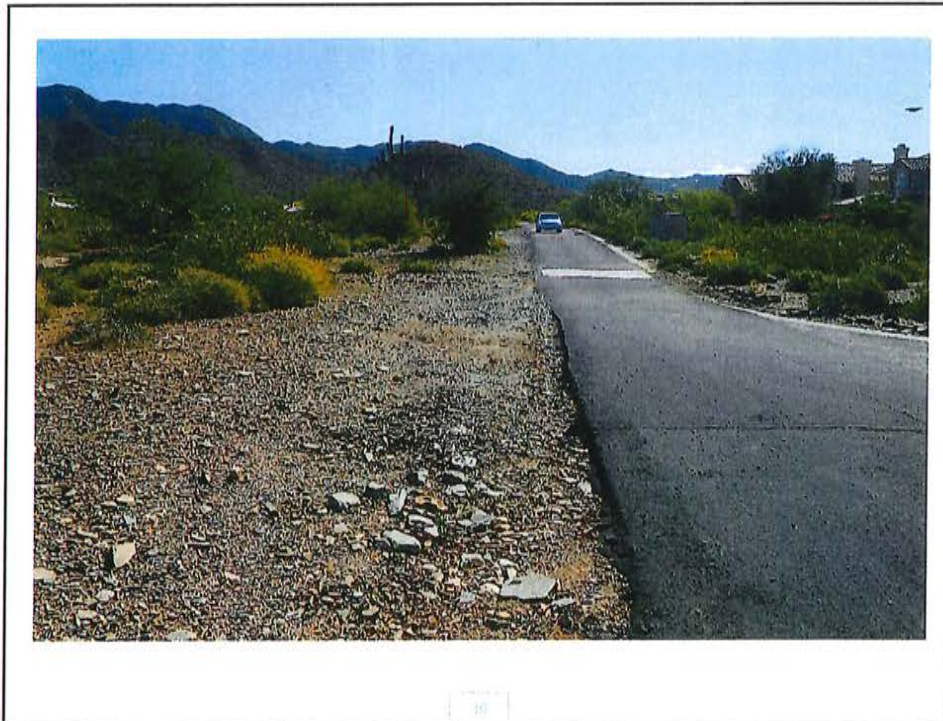
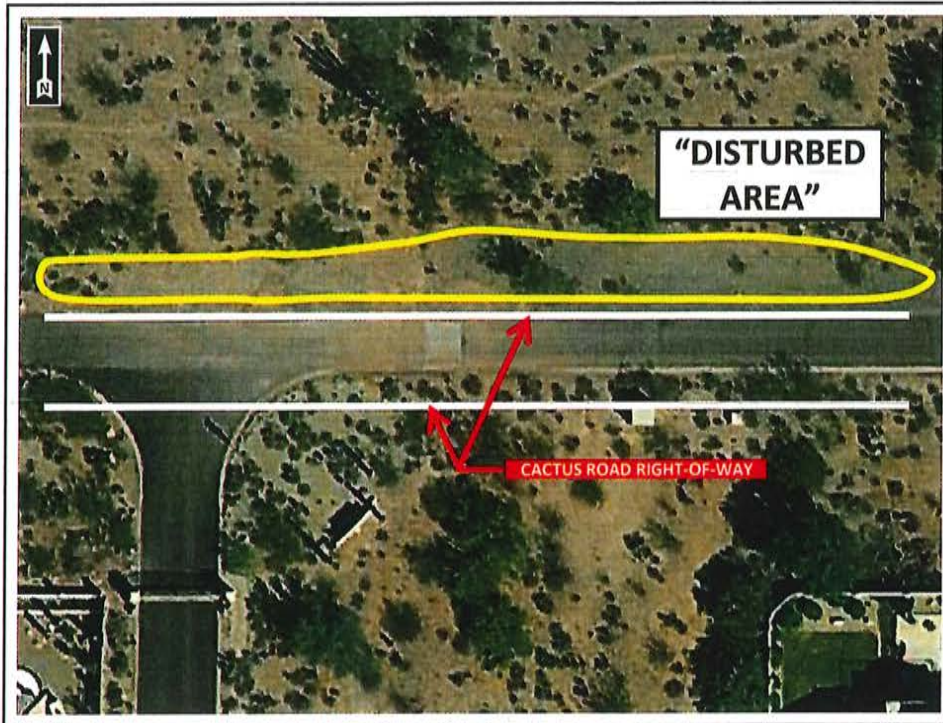
Cactus Path Western Section
Options



Cactus Path Western Section
Options



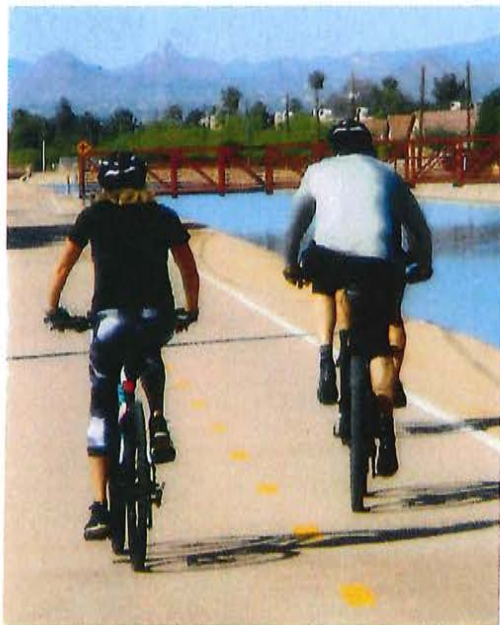






EXISTING ARIZONA CANAL USE







37



38



38



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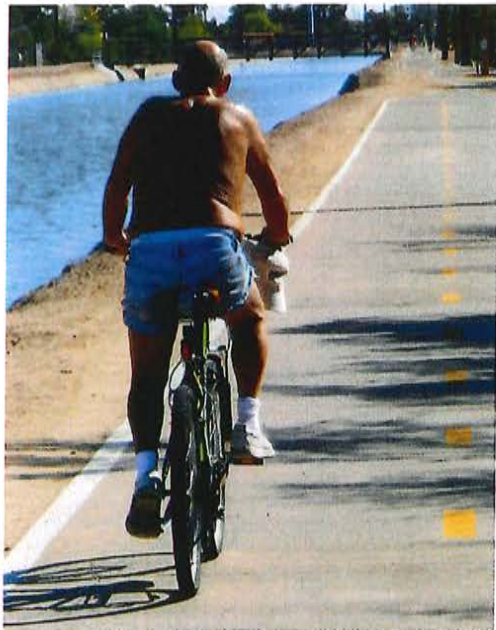
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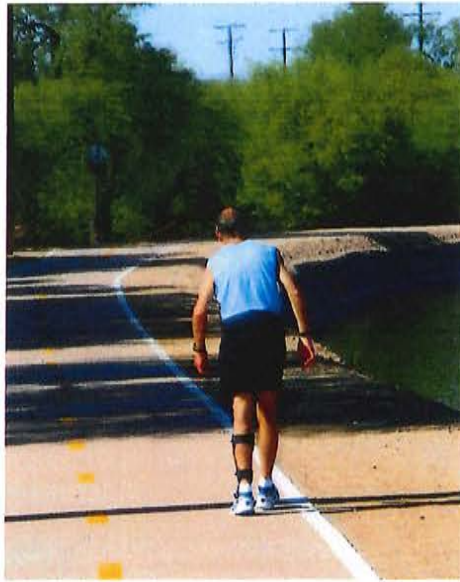
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17



18



**Cactus Path Remain in
Transportation Master Plan
Unanimous Recommendations**

- 1. Paths & Trails Subcommittee**
- 2. Transportation Commission**

Transportation Department Recommendation

1. Cactus Path remain in
Transportation Master Plan
2. Final design and construction