

SCOTTSDALE

CITY COUNCIL MEETING



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

[Added Item No. A1 and Consent Item No. 6A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, December 11, 2018

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 (December 12, 2018, or January 8, 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 – Daughters of the American Revolution, Grand Canyon Chapter

Invocation – Pastor Bruce Johnson, Scottsdale Presbyterian Church

Mayor's Report – None

Presentations/Information Updates – None

Public Comment – Darlene Petersen expressed concern about oversized vehicles parking on residential streets. Sam Colby spoke about implementing a residential home health program. Pat Shaler commented on the City's report on the Neptune Swimming Foundation citizen petition. Jason Alexander called for civil dialogue in localized conversations. John Seipel presented a citizen petition asking for an additional entrance into the Preserve.

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."**



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

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**

Consent Item No. 6A was added to the agenda on December 7, 2018.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is January 8, 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 Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

MINUTES

Request: Approve the [Special Meeting Minutes of November 13, 2018](#), [Regular Meeting Minutes of November 13, 2018](#), and Executive Session Minutes of November 13, 2018.

– Vice Mayor Phillips made a motion to approve the Special Meeting Minutes of November 13, 2018; Regular Meeting Minutes of November 13, 2018; and Executive Session Minutes of November 13, 2018. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

CONSENT AGENDA ITEMS 1-6A

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 6A, absent Item 2, which was moved to the Regular Agenda. Vice Mayor Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

1. [Martin Residence Abandonment \(9-AB-2018\)](#) – Approved on Consent.

Request: Adopt **Resolution No. 11308** authorizing the abandonment of the right-of-way quarter cul-de-sac located at the northwest corner of parcel 216-85-055, with Single-family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-190/ESL/FO) zoning.

Location: 27777 N. 95th Street

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

2. [Airport Lease Agreements](#)

Request: Adopt **Resolution No. 11307** to authorize the following agreements to terminate all previous lease agreements and replace them with a new consolidated lease agreement for a new fixed base operator at Scottsdale Airport:

1. Lease Assignment, Assumption, Consent and Estoppel No. 2018-196-COS with Air Commerce Center L.L.C., Airport Properties, L.L.L.P., Airport Holdings, Inc., and Scottsdale Jet Center Real Estate, LLC.
2. Lease Replacement Agreement No. 2018-197-COS with Scottsdale Jet Center Real Estate, LLC.
3. Lease Agreement No. 2018-193-COS with Scottsdale Jet Center Real Estate, LLC.

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

– Applicant Herb Marchman and Aviation Director Gary Mascaro presentations.

– Vice Mayor Phillips made a motion to adopt Resolution No. 11307, including amendments to Contract 2018-197-COS, pages 3 and 4, and Contract No. 2018-193-COS, page 4, and altering the effective date from December 11 to a date when a third agreement, Scottsdale Jet's Center purchase of the existing lease, closes. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmember Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

3. [Water, Sewers, and Sewage Disposal Code Amendment – Approved on Consent.](#)

Request: Adopt **Ordinance No. 4380** amending Scottsdale Revised Code, Chapter 49, Water, Sewer and Sewage Disposal sewer/water reclamations, by amending Sections 49-46, 49-51, 49-145, and 49-148.

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

4. [Audit Committee Recommendation for the Environmental Quality Advisory Board Sunset Review – Approved on Consent.](#)

Request: Adopt **Resolution No. 11334** accepting the Audit Committee's recommendation and authorizing the continuation of the Environmental Quality Advisory Board.

Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

5. [Community Arts Trust Payment – Approved on Consent.](#)

Request: Adopt **Resolution No. 11335** authorizing payment from the adopted FY 2018/19 Special Programs Fund, Community Arts Trust operating budget to Scottsdale Arts in the amount of \$18,000 for the Scottsdale Philharmonic's Holiday Concert.

Location: Scottsdale Center for the Performing Arts

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

6. [SDB, Inc. v. City of Scottsdale – Approved on Consent.](#)

Request: Adopt **Resolution No. 11337** authorizing the filing of necessary claims, counterclaims, cross-claims, third-party claims or other actions in Maricopa County Superior Court, related to *SDB, Inc. v. City of Scottsdale*, Cause No. CV2018-012328.

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

***6A. [Legal Services Contract – Approved on Consent.](#)

Request: Adopt **Resolution No. 11338** authorizing Contract No. 2018-203-COS with Ballard Spahr, LLP, in an amount not to exceed \$50,000, for the provision of legal services relating to the effect of Proposition 126 on the City and further authorizing the City to participate in court proceedings if necessary to establish its effect.

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

REGULAR AGENDA **ITEMS 7-8**

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.**

7. **[Rockbar Outdoor Dining Revocable License Agreement](#)**

Request: Adopt **Resolution No. 11282** authorizing Agreement No. 2018-176-COS with JE Southwest Group Real Estate, LLC, and their tenant Rockbar, Inc., for an outdoor dining patio on City property.

Location: 4245 N. Craftsman Court

Presenter(s): Daniel Worth, Public Works Director

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

– Public Works Director Dan Worth and Applicant Representative Court Rich presentations.

– Councilwoman Milhaven made a motion to adopt Resolution No. 11282 authorizing Agreement No. 2018-176-COS with JE Southwest Group Real Estate, LLC, and their tenant Rockbar, Inc. Councilwoman Klapp seconded the motion, which carried 5/2, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, and Milhaven voting in the affirmative, and Councilmembers Littlefield and Smith dissenting.

8. **[Desert Edge Project Termination](#)**

Request: Adopt **Resolution No. 11339** directing the City Manager to terminate activities pertaining to the Desert Edge project.

Presenter(s): Jim Thompson, City Manager

Staff Contact(s): Jim Thompson, City Manager, 480-312-2800, jthompson@scottsdaleaz.gov

– City Manager Jim Thompson presentation.

– Councilmember Korte made a motion to adopt Resolution No. 11339 and add “or other similar projects, such as a nature education center, in the Preserve” to the end of Item “d” in the resolution. Mayor Lane seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

– Councilwoman Littlefield made an alternate motion to adopt Resolution No. 1139 and add provisions to:

1) Make no further payments of taxpayer’s funds to Contract No. 2015-234-COS with the Desert Discovery Scottsdale, Inc., and on Contract No. 2016-053-COS with Swaback Partners, PLLC;

2) The term Desert Edge as used in the resolution shall include any projects that involve building in the Preserve anything other than trails and trailheads; and

3) Any current listing of the Desert Discovery Center, aka Desert Edge, as a city capital project shall be terminated from the capital list.

The alternate motion was withdrawn.

Public Comment – None

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 9

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.

9. **Receipt of Citizen Petitions – No action was taken on the citizen petition submitted by John Seipel asking for an additional entrance into the Preserve.**

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 – 7:33 P.M.