

SCOTTSDALE

# CITY COUNCIL MEETING



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

[ADDED MINUTES AND ITEM NOS. A1, 27, AND 28]

### COUNCIL

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

Linda Milhaven  
Guy Phillips  
Solange Whitehead

Wednesday, July 1, 2020

*Until further notice, Council meetings will be held electronically. While physical facilities are not open to the public, City Council meetings are televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov) (search "live stream") to allow the public to listen/view the meeting in progress.*

*Only written comments submitted electronically at least one hour prior to the meeting are being accepted. A written Public Comment may be submitted electronically by clicking on the "click here to submit a written comment on an item" link located at the top of each page of the agenda.*

*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 (July 2, 2020).*

5:00 P.M.

**MARKED AGENDA**

### CITY COUNCIL MEETING

Meeting will be held electronically.

Call to Order – 5:02 P.M.

Roll Call – All present.

*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).*

Mayor's Report – None

## MINUTES

\*\*\*Request: Approve the [Special Meeting Minutes of June 4, 2020](#), and [June 16, 2020](#); [Regular Meeting Minutes of June 16, 2020](#); and [Work Study Session Minutes of June 16, 2020](#).

– Councilmember Korte made a motion to approve the Special Meeting Minutes of June 4, 2020, and June 16, 2020; Regular Minutes of June 16, 2020; and Work Study Session Minutes of June 16, 2020. Councilwoman Littlefield seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.



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)

## 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.

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

### \*\*\*A1. Added Items

Item Nos. 27 and 28 were added to the agenda on June 24, 2020.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is July 2, 2020.

## CONSENT AGENDA ITEMS 1-27

**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.

**– Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 27. Vice Mayor Whitehead seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.**

### 1. HUB Liquor License (42-LL-2020) – 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:** 9343 E. Shea Boulevard, Suite B135

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

### 2. Permanent Extension of Premises for Compa Spirits (3-EX-2020) – 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 4 (wholesale) State liquor license for an existing location.

**Location:** 502 N. Hayden Road, Unit 986

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

### 3. Permanent Extension of Premises for Drunk Munk (4-EX-2020) – 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:** 7133 E. Stetson Drive, Suites 1-2

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

4. **[Sereno Canyon Phases 4C2 and 4D Final Plat \(16-PP-2017#9 and 16-PP-2017#10\) – Approved on Consent.](#)**  
**Request:** Approve the final plat to replat portions of Lot 1 on 19.3± acres of a 350±-acre site, as per Phase 4 of the Sereno Canyon Community Phasing Plan and Final Plat, to establish 47 resort units, within the Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning portion of the site.  
**Location:** Between E. Alameda Road and the E. Pinnacle Peak Road alignment along N. 123<sup>rd</sup> Street and N. 124<sup>th</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
5. **[Scottsdale Heights Phase I Replat and Phase II Final Plat \(6-PP-2019 and 1-PP-2018#2\) – Approved on Consent.](#)**  
**Request:** Approve the final plat for Scottsdale Heights Phase II, a 58-lot residential subdivision on a 14.36±-acre site with Medium Density Residential District, Environmentally Sensitive Lands Overlay (R-3 ESL) zoning located at 7363 E. Dove Valley Road and include a revision to the tracts within Scottsdale Heights Phase I on an adjacent 13.3±-acre site with Medium Density Residential District, Environmentally Sensitive Lands Overlay (R-3 ESL) and Central Business District, Environmentally Sensitive Lands Overlay (C-2 ESL) zoning located at 7225 E. Dove Valley Road.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
6. **[Acquisition of Right-of-Way for the Osborn Road Complete Street Project – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 11824** authorizing the acquisition of rights-of-way, pedestrian access easements, and temporary construction easements for the Osborn Road Complete Street Project from Hayden Road to Scottsdale Road.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
7. **[Pima Dynamite Trailhead Improvements – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 11823** authorizing Construction Bid Award No. 20PB037 with Path Construction Southwest, LLC, the lowest responsive bidder, in the amount of \$5,632,312.95 for construction of Pima Dynamite Trailhead improvements.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
8. **[Booster Pump Station 57 Rehabilitation – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 11826** authorizing Construction Bid Award No. 20PB036 with Kay Constructors, LLC, the lowest responsive bidder, in the amount of \$6,426,133.20 for construction of the rehabilitation of Booster Pump Station 57 and associated reservoir.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
9. **[Osborn Road Parallel Sewer Main Project Construction Phase Services Contract – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 11838** authorizing CM@Risk Contract No. 2020-074-COS-A1, the first amendment to the contract with B & F Contracting, Inc., in the amount of \$1,839,550.01 to provide construction services for Phase 2 of the Osborn Road Parallel Sewer Main – Bishop Lane to Miller Road project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
10. **[Sewer Collection System Rehabilitation Preconstruction Phase Services Contract – Approved on Consent.](#)**  
**Request:** Adopt **Resolution No. 11850** authorizing CM@Risk Contract No. 2020-108-COS with B & F Contracting, Inc., in the amount of \$45,148.85 to provide preconstruction phase services for the Sewer Collection System Rehabilitation of 24, 30, and 36-inch Diameter Pipes and Manholes project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

11. **Scottsdale Road – Jomax Road to Dixileta Drive Project Engineering Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11785** authorizing Contract No. 2020-081-COS with Ritoch-Powell & Associates Consulting Engineers, Inc., in the amount of \$1,593,260.90 to provide engineering services for the Scottsdale Road – Jomax Road to Dixileta Drive project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
12. **The Drunk Munk Outdoor Dining Revocable License Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11860** authorizing Agreement No. 2019-034-COS-A1, the first amendment to the agreement with Scottsdale Canal Project, LLC, and Hermosa Inn Restaurant, LLC, to allow their tenant OTTB, LLC, dba The Drunk Munk, to increase the size of the patio based on an existing outdoor dining license agreement.  
**Location:** 7133 E. Stetson Drive, Suite 1  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
13. **Balcony Air Rights Easement Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11861** authorizing Agreement No. 2020-112-COS with GE Ventures, LLC, permitting the construction of balconies within the right-of-way.  
**Location:** 4238 N. Craftsman Court  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
14. **Stetson Plaza Splash Pad Enhancement Project Budget Transfer – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11856** authorizing a FY 2020/21 General Fund Capital Contingency Budget Appropriation transfer in the amount of \$65,000 to a newly created CIP project titled “*Stetson Plaza Splash Pad Enhancement Project*” to be funded by the Downtown Cultural Trust.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
15. **Workforce Development Services Intergovernmental Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11804** authorizing Agreement No. 2020-111-COS with Maricopa County to share costs for workforce development services at the Vista del Camino Community Center.  
**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, [gbestgen@scottsdaleaz.gov](mailto:gbestgen@scottsdaleaz.gov)
16. **Papago Sports Complex Lease Agreements – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11865** to authorize:
  1. Lease Agreement No. 2018-201-COS-A1, the first amendment to the agreement with the City of Phoenix for use of the Papago Sports Complex property.
  2. Memorandum of First Amendment to Lease Agreement No. 2018-201-COS-E2 with the City of Phoenix.
  3. Sublease Agreement No. 2019-104-COS-A1, the first amendment to the agreement with the San Francisco Giants Baseball Club, LLC, for use of the Papago Sports Complex property.**Location:** Northwest corner of McDowell Road and 64<sup>th</sup> Street  
**Staff Contact(s):** Bill Murphy, Assistant City Manager, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
17. **Airport Delta Apron Rehabilitation Phase 2 and Improvements Project – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11836** authorizing Construction Bid Award No. 20PB032 with Combs Construction, Inc., the lowest responsive bidder, in the amount of \$736,703.25 for the Airport Delta Apron Rehabilitation Phase 2 and Improvements Project.  
**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)

18. **Scottsdale Airport Runway Rehabilitation Project Preconstruction Phase Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11837** authorizing CM@Risk Contract No. 2020-104-COS with J. Banicki Construction, Inc., in the amount of \$112,539 to conduct preconstruction phase services for the Runway Rehabilitation Project at Scottsdale Airport.  
**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)
19. **Aviation Code Amendment – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4452** amending Scottsdale Revised Code, Chapter 5, Aviation, to help foster the long-term economic health and enhance the safe operating environment at the Airport/Airpark.  
**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)
20. **WaterSMART Grant Application – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11864** authorizing the submission of a grant application to the United States Department of Interior Bureau of Reclamation for a WaterSMART Drought Response Program Federal grant for FY 2020/21 and the acceptance of any resulting grant award.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
21. **Animal Care and Control Services Intergovernmental Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11855** authorizing Agreement No. 2020-110-COS with Maricopa County for the provision of animal care and control services.  
**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
22. **City Jail Fee – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11863** establishing a nightly fee of \$250 per night for offenders to serve their jail sentence at the newly renovated City of Scottsdale Jail.  
**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
23. **Staffing for Adequate Emergency Response Grant – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11859** to authorize:
  1. Spending the Federal Emergency Management Agency (FEMA) Staffing for Adequate Emergency Response (SAFER) grant funds, in the total amount of \$1,245,622 over three, 12-month periods beginning in FY 2020/21.
  2. The addition of six new, full-time equivalent firefighter positions in the Fire Department for FY 2020/21.
  3. A budget transfer in the amount of \$415,208 from the adopted FY 2020/21 Future Grants Budget and/or Grant Contingency to a newly created cost center within the Fire Department's operating budget to record the related SAFER grant activity. This transfer will cover 26 pay periods from July 1, 2020, through June 30, 2021, to be funded by the grant.
  4. A budget transfer in the amount of \$146,223 from the FY 2020/21 adopted General Fund Operating Contingency to the Fire Department's operating budget to cover medical exams as well as the one-time costs associated with the academy and uniforms/gear.
  5. The Fire Chief, or designee, to conduct all negotiations and to execute and submit all documents in connection with the acceptance of the FEMA grant.**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
24. **Fiscal Year 2019/20 Operating and Capital Budget Adjustments – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11846** authorizing FY 2019/20 operating and capital improvement plan budget adjustments.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)



25. **Bond Counsel Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11853** authorizing Contract No. 2020-109-COS with Sherman & Howard, LLC, for bond counsel services associated with the City's issuance of bonds and other capital financing.  
**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)
26. **Indemnification of City Attorney in Shawn C. Fuller v. City of Scottsdale et al. – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11867** authorizing the City to defend and indemnify City Attorney Sherry R. Scott in the lawsuit titled *Shawn C. Fuller v. City of Scottsdale et al.*, Case No. CV2020-052874, currently pending in the Maricopa County Superior Court.  
**Staff Contact(s):** Lori Davis, Deputy City Attorney, 480-312-2405, [lodavis@scottsdaleaz.gov](mailto:lodavis@scottsdaleaz.gov)
- \*\*\*27. **Scottsdale Drive-In Concert Series – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11868** to authorize:  
1. A FY 2020/21 Tourism Development Fund operating contingency transfer in the amount of \$50,000 to the Tourism and Events Department operating budget to support the Scottsdale Drive-In Concert Series.  
2. New Event Funding Agreement No. 2020-113-COS with M Culinary, LLC.  
**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

## REGULAR AGENDA **ITEM 28**

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

- \*\*\*28. **CARES Act Funding**  
**Request:** Adopt **Resolution No. 11870** to authorize:  
1. The City to accept \$29,628,014 from the AZCares Fund as part of the Federal CARES Act.  
2. A FY 2019/20 budget transfer in the amount of \$9,954,199 from the general fund to the grants fund within the Public Safety – Police operating budget.  
3. A FY 2019/20 budget transfer in the amount of \$7,284,445 from the general fund to the grants fund within the Public Safety – Fire operating budget.  
4. A FY 2020/21 appropriation only budget transfer in the amount of \$29,628,014 from the PSPRS Pension Liabilities fund balance designation funded by the freed up general fund monies as a result of receiving the AZCares funding to non-divisional general fund operating cost centers to record the following activity:  
a. \$3,000,000 for care for vulnerable citizens; \$450,000 for residential utility assistance program; \$3,110,000 for community facilities safety upgrades; \$1,500,000 for arts and culture programs; \$100,000 for public health communication; \$5,000,000 for business assistance programs; \$2,220,000 for city building safety retrofits; \$871,232 for telework/technology expenses; \$1,340,000 for PPE/sanitation/cleaning; \$2,200,000 for emergency response; \$2,000,000 for future COVID-19 resurgence preparation; \$4,000,000 for public safety; and \$3,836,782 for unallocated funds remaining.  
5. The City Manager to supplement existing programs, create new programs, execute contracts and expend funds as may be necessary to mitigate the effects of and aid in recovery from the emergency caused by the coronavirus (COVID-19) pandemic in accordance with the allocations set forth in the Scottsdale AZCares Framework and Scottsdale AZCares Funding Priorities Matrix.  
6. The City Manager to reallocate funds between and among any of the categories set forth in the Scottsdale AZCares Funding Priorities Matrix provided that specific funding categories are not reduced or increased by more than twenty-five percent of the amount stated therein without further approval by Council.

Wednesday, July 1, 2020

Page 7 of 7

**Presenter(s):** Jim Thompson, City Manager

**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683,

[blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)

– **City Manager Jim Thompson presentation.**

– **Councilwoman Klapp made a motion to adopt Resolution No. 11870. Councilwoman Littlefield seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.**

**Mayor and Council Items – None**

**Adjournment – 5:26 P.M.**