

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED CONSENT ITEM No. 6; ADDED MAYOR AND COUNCIL ITEM 19]

COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Tuesday, February 13, 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 (February 20, 2018).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 – 5th Grade Cub Scout Webelos; Scout Leaders Mr. and Mrs. Handley

Invocation – Minister Michelle Crane, Scottsdale Bible Church

Mayor's Report – Mayor Lane congratulated the Chaparral High School girls' soccer team, the Firebirds, for their state title win. Mayor Lane reminded everyone that there are two weeks left to provide input on their favorite Scottsdale flag design.

Presentations/Information Updates – Scottsdale Arts Chairman of the Board of Trustees Kathy Wills presentation.

- **Scottsdale Arts Update**
Presenter(s): Kathy Wills, Chairman of the Board of Trustees

Public Comment – Gary Rinsem expressed concern about lack of sidewalk access. George Cavalliere expressed concerns about the Taylor Morrison development adjacent to his property. Elizabeth Cavalliere asked for the City's help with asbestos from the Taylor Morrison development. Glen De Souza talked about criminal activity near his office building in the entertainment district. Jerry Lewkowitz reported on the success of the Waste Management Open.

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.



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 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."**

MINUTES

Request: Approve the [Special Meeting Minutes of January 8, 2018](#), and [January 23, 2018](#); [Regular Meeting Minutes of January 8, 2018](#), and [January 23, 2018](#); and Executive Session Minutes of January 8, 2018.

– Vice Mayor Korte made a motion to approve the Special Meeting Minutes of January 8, 2018, and January 23, 2018; Regular Meeting Minutes of January 8, 2018, and January 23, 2018; and Executive Session Minutes of January 8, 2018. Councilwoman Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-14

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.

– Vice Mayor Korte made a motion to approve Consent Agenda Items 1 through 14, directing that Item 6 is to be continued to March 6, and absent Item 12, which was moved to the Regular Agenda. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. [Blind Dragon/Dorian Liquor License \(107-LL-2017#2\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 7419 E. Indian Plaza
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [IL Bosco Pizza Liquor License \(1-LL-2018\)](#) – **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: 7120 E. Becker Lane
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Uncorked Wine Lounge & Eatery Liquor License \(3-LL-2018\)](#) – **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 and owner, new license series.
Location: 17025 N. Scottsdale Road, Suite 140
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Fraesfield Mountain Trailhead Municipal Use Master Site Plan (11-UP-2017) – Approved on Consent.**

Request: Find that the conditional use permit criteria have been met and adopt

Resolution No. 11001 approving a Municipal Use Master Site Plan for the purpose of constructing an access trailhead area for the McDowell Sonoran Preserve on 6± acres of a 533±-acre site of City-owned property located at the northwest corner of E. Rio Verde Drive and N. 134th Street with Single-Family Residential District, Environmentally Sensitive Lands (R1-70/ESL and R1-190/ESL) zoning.

Location: 13400 E. Rio Verde Drive

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

5. **Granite Mountain Trailhead Municipal Use Master Site Plan (12-UP-2017) – Approved on Consent.**

Request: Find that the conditional use permit criteria have been met and adopt

Resolution No. 11002 approving a Municipal Use Master Site Plan for the purpose of constructing an access trailhead area for the McDowell Sonoran Preserve on 6± acres of a 471±-acre site of City-owned property located at the northwest corner of E. Lone Mountain Road and N. 136th Street with Single-Family Residential District, Environmentally Sensitive Lands (R1-190/ESL) zoning.

Location: 31402 N. 136th Street (Parcel Nos. 216-58-001 and 216-59-009)

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

***6. **Storyrock Abandonment and Development Agreement (4-AB-2017) – Approved on Consent (changing the date of the continuance to March 6, 2018).**

Request: At the request of the applicant, continue to February 20, 2018.

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

7. **Neighborhood Advisory Commission Ordinance – Approved on Consent.**

Request: Adopt **Ordinance No. 4331** amending Sections 2-322 and 2-323 of the Scottsdale Revised Code relating to the membership, purpose, powers, and duties of the Neighborhood Advisory Commission.

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

8. **General Landscape Construction Services Job Order Contracts – Approved on Consent.**

Request: Adopt **Resolution No. 10998** authorizing the following one-year contract extensions for Citywide general landscape construction services:

1. Contract No. 2015-004-COS-A2 with Valley Rain Construction Corporation
2. Contract No. 2015-005-COS-A2 with DBA Construction, Inc.

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

9. **Engineering Services Contract for Intelligent Transportation Systems – Approved on Consent.**

Request: Adopt **Resolution No. 11013** authorizing Contract No. 2016-006-COS-A1 with Kimley-Horn and Associates, Inc., for a one-year contract extension, in an amount not to exceed \$1,000,000, for on-call intelligent transportation system engineering services needed on an on-call basis for projects throughout the City.

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

10. **Engineering Services Contracts for Stormwater Engineering Services – Approved on Consent.**
Request: Adopt **Resolution No. 11007** authorizing the following on-call engineering services contracts for an initial two-year term, in an amount not to exceed \$2,000,000 per contract, for on-call professional services to provide stormwater and drainage related services at various project locations throughout the City:
 1. Contract No. 2018-016-COS with J2 Engineering and Environmental Design, LLC
 2. Contract No. 2018-017-COS with Michael Baker International Inc.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

11. **Former Fire Station No. 601 Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11021** authorizing Agreement No. 2018-024-COS with Maricopa Ambulance, LLC, to house ambulances and their crews in former Fire Station No. 601.
Location: 2857 N. Miller Road
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

12. **Parking Management Pilot Program**
Request: Adopt **Resolution No. 11016** to authorize:
 1. A FY 2017/18 transfer in the amount of \$231,185 from the Capital Improvement Plan In-Lieu Parking Fund to the Operating Special Programs Fund.
 2. A \$231,185 appropriation only operating contingency transfer from the adopted FY 2017/18 operating Special Programs Fund contingency to a newly created operating Special Programs Fund cost center to be titled Parking Management Pilot Program.**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
– Councilman Smith made a motion to fund the program with general funds from the Police Department. The motion died for lack of a second.
– Councilman Smith made a motion to deny the request. The motion died for lack of a second.
– Councilwoman Klapp made a motion to adopt Resolution No. 11016. Vice Mayor Korte seconded the motion, which carried 6/1, with Councilman Smith dissenting.

13. **Financial Statement Audit Professional Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 11019** authorizing a one-year extension of Contract No. 2015-052-COS with Heinfeld, Meech & Co., P.C., in an amount not to exceed \$96,550, for the audit of the City's FY 2017/18 financial statements and related services.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

14. **Biennial Certified Audit Professional Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 11020** authorizing the extension of Contract No. 2016-019-COS with Raftelis Financial Consultants, Inc., in an amount not to exceed \$34,730, for the biennial certified audit of the City's land use assumptions, infrastructure improvements plan, and development impact fees.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

REGULAR AGENDA

ITEMS 15-17

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.**

15. [Marshall Way Entry Feature \(15-DR-2017\)](#)

Requests:

1. Hearing to reconsider the Development Review Board's denial of the requested approval of the site plan for the location of the Marshall Way Entry Feature and lighting.
2. Uphold, modify, or overturn the Development Review Board's December 7, 2017, decision regarding 15-DR-2017, which denied a request for approval of a site plan for the location of the Marshall Way entry feature and lighting. Council initiated the appeal on January 8, 2018.

Location: Northwest corner of E. Indian School Road and N. Marshall Way

Presenter(s): Jeff Barnes, Planner

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

– **Presentations by Planner Jeff Barnes and Scottsdale Public Art Advisory Board Chair Chris Irish.**

– **Vice Mayor Korte made a motion to overturn the Development Review Board's December 7, 2017, decision regarding 15-DR-2017, which will have the effect of approving the site. Councilman Smith seconded the motion, which carried 6/1, with Councilwoman Littlefield dissenting.**

16. [Loloma Lands Purchase and Sale Agreement](#)

Request: Adopt **Resolution No. 11034** authorizing Agreement No. 2018-029-COS with ARC Scottsdale Holdings, LLLP, for the sale of 183,000± square-feet of land for \$27,750,000.

Location: East of N. Goldwater Boulevard, near the intersection of N. Marshall Way and E. 2nd Street

Presenter(s): Dan Worth, Public Works Director

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

– **Public Works Director Dan Worth presentation.**

– **Councilwoman Littlefield made a motion to approve the Loloma lands purchase and sale agreement and adopt Resolution No. 11034 authorizing Agreement No. 2018-029-COS with ARC Scottsdale Holdings, LLLP, for the sale of 183,000± square feet of land for \$27,750,000. Councilwoman Klapp seconded the motion, which carried 7/0.**

17. [Comprehensive Financial Policies and Governing Guidance](#)

Request: Adopt **Resolution No. 10923** relating to Comprehensive Financial Policies and Governing Guidance as the formal guidelines for the City of Scottsdale's FY 2018/19 financial planning and management.

Presenter(s): Jeff Nichols, City Treasurer

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

– **City Treasurer Jeff Nichols presentation.**

– **Councilman Smith made a motion to adopt Resolution No. 10923 relating to Comprehensive Financial Policies and Governing Guidance as the formal guidelines for the City of Scottsdale's FY 2018/19 financial planning and management. Vice Mayor Korte seconded the motion, which carried 7/0.**

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 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 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

***19. Tax Reform Options

Request: At the request of Councilman Smith, direct the City Manager and City Treasurer to present for Council discussion and direction during the February 20, 2018 discussion of the Council Capital Improvement Plan Subcommittee recommendations, a variety of options for tax reform, particularly related to Scottsdale's Transaction Privilege Tax (sales tax), identifying options for: increases/decreases in the tax rate; additions/deletions of goods and services to which the tax rate applies; and creating new funds for the segregation and administration of new tax receipts.

– **Councilman Smith made a motion to direct the City Manager and City Treasurer to present for Council discussion and direction at a future Council meeting or work study session, discussion of the Council Capital Improvement Plan Subcommittee recommendations, a variety of options for tax reform, particularly related to Scottsdale's Transaction Privilege Tax (sales tax), identifying options for: increases/decreases in the tax rate; additions/deletions of goods and services to which the tax rate applies; and creating new funds for the segregation and administration of new tax receipts. Councilman Phillips seconded the motion. No vote taken.**

– **Councilwoman Milhaven made an alternate motion to defer consideration of this agenda item until after the Council's discussion of the Capital Improvement Subcommittee's recommendations on February 20, 2018. Councilwoman Littlefield seconded the motion, which carried 6/1, with Councilwoman Klapp dissenting.**

Adjournment – 7:15 P.M.

CITY COUNCIL WORK STUDY SESSION

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard
(Immediately Following the Regular Meeting)

Call to Order – 7:15 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 in telephonically, pursuant to A.R.S. §38-431(4).

Work Study Sessions: Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

Public Comment – Sam Dreiman spoke to the success of LimeBike. Paul Videl, representing Ofo bike share, spoke in support of bike sharing companies.

To provide an opportunity for public input, yet continue to maximize the amount of time available for the Council to have focused discussions, a total of fifteen minutes will be set aside at the beginning of each work study session for public comment on the agenda items. If you have thoughts or suggestions on the work study session items you would like the Council to consider, you are encouraged to complete a Written Comment card and submit your written comments to the City Clerk. The Clerk will ensure the Council receives your comments at various times throughout the evening.

1. **Bike Share**

Request: Presentation, discussion, and possible direction to staff regarding the numerous complaints that the City has received regarding the rental bikes that have been placed around the City and report back on possible solutions, including giving consideration to voluntary reduction in numbers by the bike rental companies and regulatory action and enforcement by the City.

Presenter(s): Lisa Johnson, Transportation Plan & Transit Program Manager

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

– Transportation Plan and Transit Program Manager Lisa Johnson presentation.

– Councilmembers offered the following suggestions to staff and bike company owners:

- **Reduce or regulate the overall number of the bikes in the City and improve the distribution of bikes throughout the community. Increase the bikes at the Scottsdale Road and Thunderbird transportation stop (park and ride), DC Ranch, and other locations in the northern part of the City. Spread them out so that they are not all congregated in downtown.**
- **Address the obstruction issues on sidewalks and roads, including enforcement of existing City codes and providing information to users regarding laws and parking etiquette.**
- **Consider a public education program for users; and provide additional information to citizens on what to do if they have questions or concerns.**
- **Obtain more detailed information on usage, including the impact on the economy in downtown, occupancy and parking availability, traffic flow, and bus ridership.**
- **Install bike racks and require users to use the racks for picking up and returning the bikes.**
- **Provide marked, designated areas (drop off zones) for parking the bikes.**
- **Keep bikes away from public art and out of public areas where they impede other traffic.**
- **Have more bike company personnel on the street managing the bike program and to make sure that the bikes that are left in an inappropriate place are moved as quickly and efficiently as possible.**
- **Improve the response time for complaints.**
- **Conduct a study of what other cities have done to reduce the number of bikes that are left in irresponsible places.**
- **Ask the bike companies to consider charging a fee for bikes that are not left where they are supposed to be left, or that are not left in an upright position.**
- **Impose a fee to cover the cost of hauling away bikes that are not left in appropriate places (canals, fountains, front yards, parks, sidewalks, etc.)**
- **Change the apps from one that has to be read to one that will talk to the user and provide the rules of bike parking etiquette.**

Adjournment – 8:08 P.M.