

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

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

**[ADDED ITEM NOS. A1 AND 22A]**



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**COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

Solange Whitehead

**Monday, July 1, 2019**

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*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, August 27, or August 28, 2019).*

**5:00 P.M.**

**MARKED AGENDA**

**CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:27 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 – Councilwoman Klapp**

**Invocation – Reverend Cathy Patterson, Fountain of Life Church**

**Mayor's Report – None**

**Presentations/Information Updates – None**

**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."**



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.

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

Consent Item No. 22A was added to the agenda on June 26, 2019.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the August 27, 2019, Council meeting.

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

## MINUTES

**Request:** Approve the **Regular Meeting Minutes of June 11, 2019**, and **Special Meeting Minutes of June 11, 2019**.

**– Councilwoman Klapp made a motion to approve the Regular Meeting Minutes of June 11, 2019, and Special Meeting Minutes of June 11, 2019. Councilmember Korte seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.**

## CONSENT AGENDA      ITEMS 1-22A

**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 22A, absent Items 16, 19, and 20, which were moved to the Regular Agenda. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.**

1. **[Lovely Rita Spirits Liquor License \(55-LL-2019\)](#) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesale) State liquor license for a new location and owner.

**Location:** 7741 E. Gary Road, Suite 13

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

2. **[Pizza Hut No. 28604 Liquor License \(56-LL-2019\)](#) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.

**Location:** 7790 E. McDowell Road, Suite 102

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

3. **Pizza Hut No. 26979 Liquor License (57-LL-2019) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.  
**Location:** 3554 N. Goldwater Boulevard, Suite C  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **PNPK Liquor License (58-LL-2019) – 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:** 23335 N. Scottsdale Road, Suite D105  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **T-Mobile Tower Papago Butte Substation Conditional Use Permit (11-UP-2007#3) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met and adopt  
**Resolution No. 11524** approving a Conditional Use Permit for an existing T-Mobile wireless communication facility co-located on an existing 125-foot-tall lattice tower with Multiple Family Residential (R-5) zoning.  
**Location:** 6504 E. Thomas Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
6. **Wolf Springs Ranch Final Plat (14-PP-2017) – Approved on Consent.**  
**Request:** Approve the final plat for a 40-lot residential subdivision with Single-Family Residential, Planned Residential Development (R1-18 PRD) zoning on a 20±-acre site.  
**Location:** Northwest corner of N. 94<sup>th</sup> Street and E. Cactus Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
7. **HV91 Final Plat (5-PP-2018) – Approved on Consent.**  
**Request:** Approve the final plat for a 17-lot residential subdivision on 20± acres with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.  
**Location:** Southwest corner of E. Happy Valley Road and N. 91<sup>st</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
8. **Cavasson Final Plat (3-PP-2019) – Approved on Consent.**  
**Request:** Approve the final plat for a new commercial subdivision comprised of one 30.11±-acre lot, 12 tracts, and rights-of-way for two new public streets with Planned Community District, Planned Airpark Core (P-C PCP) zoning.  
**Location:** 18700 N. Hayden Road (northwest corner of N. Hayden Road and State Route 101)  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
9. **Agave Rezoning (14-ZN-2016) – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4406** approving a zoning district map amendment from Industrial Park (I-1) zoning to Highway Commercial (C-3) zoning on a 2.46±-acre site.  
**Location:** 14601 N. Scottsdale Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

10. **Termination and Release of Vehicle Demonstration Trail Lease Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11518** authorizing Agreement No. 2003-098-COS-A2 with North Scottsdale CAD, LLC, regarding a vacant 18.5±-acre property with General Commercial District, Planned Community District (C-4 P-C) zoning.  
**Location:** 18777 N. Scottsdale Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
11. **Sewer Rehabilitation Job Order Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11493** authorizing the following contracts for a two-year term, in an amount not to exceed \$5,000,000 per contract, for citywide sewer rehabilitation:
  1. Contract No. 2019-091-COS with Achen-Gardner Construction, LLC
  2. Contract No. 2019-092-COS with Insituform Technologies, LLC**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
12. **Drinkwater Bridge Interim Repairs Project Construction Phase Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11522** authorizing CM@Risk Contract No. 2018-175-COS-A1 with Haydon Building Corporation in the amount of \$1,205,485.25 to complete the Drinkwater Bridge Interim Repairs project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
13. **Thomas Groundwater Treatment Facility Construction Phase Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11521** authorizing CM@Risk Contract No. 2019-038-COS-A1 with Archer Western Construction, LLC, in the amount of \$20,838,783.70 for Phase 2 of construction phase services to complete the Thomas Groundwater Treatment Facility project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
14. **Crossroads East Drainage and Public Works Infrastructure Construction Phase Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11523** authorizing CM@Risk Contract No. 2019-102-COS with Haydon Building Corporation in the amount of \$8,424,621.12 to provide construction phase services for the Crossroads East Drainage and Public Works Infrastructure project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
15. **Proposition 202 Grant Applications – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11495** 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, 2019, through June 30, 2020.  
**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)
16. **Water, Sewers, and Sewage Disposal Code Amendment – Councilmember Korte made a motion to adopt Ordinance No. 4409. Councilman Phillips seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Phillips and Whitehead voting in the affirmative and Councilwoman Littlefield dissenting.**  
**Request:** Adopt **Ordinance No. 4409** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal, Section 49-211 to address a needed correction, effective August 1, 2019.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

17. **Edward Byrne Memorial Justice Assistance Grant – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11508** to authorize:
  1. Acceptance of the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,068 to continue to partially fund a full-time property and evidence technician position.
  2. The Chief of Police, or designee, to conduct all negotiations and execute all necessary documents or instruments in connection with the acceptance of the grant.
  3. A budget transfer in the amount of \$31,068 from the FY 2019/20 Future Grants Budget and/or Grant Contingency Budget.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
  
18. **Veterans Advisory Commission – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4398** amending Scottsdale Revised Code, Chapter 2, Article V, by adding Division 11 to establish the Veterans Advisory Commission.  
**Staff Contact(s):** Kelly Corsette, Communications and Public Affairs Director, 480-312-2336, [kcorsette@scottsdaleaz.gov](mailto:kcorsette@scottsdaleaz.gov)
  
19. **Environmental Advisory Commission – Councilmember Korte made a motion to adopt Ordinance No. 4402. Vice Mayor Milhaven seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Phillips, and Whitehead voting in the affirmative, and Councilwoman Littlefield dissenting.**  
**Request:** Adopt **Ordinance No. 4402** amending Scottsdale Revised Code, Chapter 2, Article V, Division 8, Sections 2-301, 2-302, 2-303, and 2-304 to rename the Environmental Quality Advisory Board as the Environmental Advisory Commission and to update the Commission's purpose and responsibilities.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
  
20. **Boards and Commissions – Vice Mayor Milhaven made a motion to continue Item 20 and ask staff to bring back the ordinance rewriting it to say board or commission members would be disqualified based on recusing themselves on 25% of the items for a rolling six months. Councilmember Korte seconded the motion, which carried 5/2, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Korte, Littlefield, and Phillips voting in the affirmative and Councilmembers Klapp and Whitehead dissenting.**  
**Request:** Adopt **Ordinance No. 4410** amending Scottsdale Revised Code, Chapter 2, Article V, Division 1, Section 2-241 and adding Section 2-244 relating to boards and commissions, including term limits; disqualification from membership; and staff support.  
**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)
  
21. **Legal Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11531** authorizing Contract No. 2019-106-COS with Jennings, Haug & Cunningham, LLP, in an amount not to exceed \$50,000 to provide legal advise to the City in the North Indian Bend Wash Superfund matter.  
**Staff Contact(s):** Acting City Attorney, 480-312-2405
  
22. **Indemnification of City Treasurer in Enriquez v. City of Scottsdale et al. – Approved on Consent.**  
**Request:** Adopt **Resolution No. 11529** authorizing the City to defend and indemnify City Treasurer Jeff Nichols in the lawsuit titled *Enriquez v. City of Scottsdale et al.*, 2:19-cv-04382-ESW, currently pending in the United States District Court, District of Arizona.  
**Staff Contact(s):** Acting City Attorney, 480-312-2405

\*\*\*22A. **Fire Station 616 – Approved on Consent.**

**Request:** Adopt **Resolution No. 11532** to authorize:

1. Cancelling Construction Bid Award No. 19PB009 with Danson Construction, LLC, the lowest responsive bidder.
2. Construction Bid Award No. 19PB009 with Path Construction Southwest, LLC, the second lowest responsive bidder, in the amount of \$3,980,000 for construction of Fire Station 616 to be located on Cave Creek Road, just west of 110<sup>th</sup> Street.
3. The City Attorney, and respective staff, to file such claims, counterclaims, cross-claims, third-party claims or other similar actions against Danson Construction, LLC, Ohio Casualty Insurance Co., and any other surety to pursue all legal remedies available to the City therein.

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

## **REGULAR AGENDA**      **ITEM 23**

**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.**

23. **Drought Contingency Plan**

**Requests:**

1. Adopt **Resolution No. 11501** authorizing Agreement No. 2019-094-COS with the United States of America, represented by the Secretary of the Interior acting through the Regional Director of the Lower Colorado Region of the Bureau of Reclamation, Arizona Department of Water Resources, Arizona Water Banking Authority, Central Arizona Water Conservation District, Gila River Indian Community, City of Chandler, Town of Gilbert, City of Glendale, City of Mesa, City of Phoenix, and City of Tempe for the Mitigation of Reductions to Central Arizona Project Non-Indian Agricultural Priority Water Under the Drought Contingency Plan.
2. Adopt **Resolution 11502** authorizing Agreement No. 2019-095-COS with the Arizona Water Banking Authority, City of Avondale, City of Chandler, City of Goodyear, City of Peoria, City of Phoenix, City of Tucson, Freeport Minerals Corporation, and Epcor Water Arizona, Inc., for the Lower Basin Drought Contingency Plan (LBDCP) Implementation Plan: Agreement to Exchange Long-term Storage Credits.
3. Adopt **Resolution No. 11503** authorizing Agreement No. 2019-096-COS with the Central Arizona Irrigation and Drainage District and Arizona Department of Water Resources for the LBDCP Implementation Plan for Water Storage.
4. Adopt **Resolution No. 11504** authorizing Agreement No. 2019-097-COS with the Harquahala Valley Irrigation District and Arizona Department of Water Resources for the LBDCP Implementation Plan for Water Storage.

**Presenter(s):** Brian Biesemeyer, Water Resources Director; Kathy Rall, Water Resources Advisor

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

**Water Resources Director Brian Biesemeyer gave a PowerPoint presentation on the drought contingency plan.**

**– Councilman Phillips made a motion to adopt Resolution No. 11501, Resolution No. 11502, Resolution No. 11503, and Resolution No. 11504. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.**

**Public Comment – None**

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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.

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## **CITIZEN PETITIONS**

### **ITEM 24**

**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.

**24. 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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – Councilwoman Littlefield made a motion to ask staff to bring back to Council in the fall statistics regarding the cost to homeowners to install residential sewer lines, as opposed to using the septic that they have; what that cost has been over the past five or ten years; and what a reasonable maximum charge should be for the installation and connection of lines to individual homes. Councilwoman Klapp seconded the motion, which carried 6/1, with Mayor Lane and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative and Vice Mayor Milhaven dissenting.**

**Adjournment – 6:20 P.M.**