

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED ITEM No. A1 AND ADDED ITEM Nos. 14A AND 14B]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

Solange Whitehead

Tuesday, October 15, 2019

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 (November 12, 2019).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:11 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 – Girl Scout Troop 4321, Troop Leader Lainy Jada

Invocation – Mayor Lane requested a moment of silence to honor the passing of community leader Dr. Art Decabooter. Pascua Yaqui Tribal Members presented a prayer dance celebrating Indigenous Peoples Day.

Mayor's Report – Mayor Lane announced that the City had previously issued a proclamation honoring Indigenous Peoples Day (October 14, 2019) and spoke about the program. Mayor Lane welcomed newly appointed City Attorney Sherry Scott.

Presentations/Information Updates – Citizen Advisor Bruce Wall presentation.

- **Adopt-A-Road**

Presenter(s): Bruce Wall, Citizen Advisor

Public Comment – David Ortega commented on State law that requires marijuana dispensaries to have onsite parking, which could impact a proposed dispensary in downtown.

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

The council reports for Item Nos. 14A, 14B, and 15 were added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or to continue the added item(s) to the November 12, 2019 Council meeting.

– Councilmember Korte made a motion to accept the agenda as presented including Items 14A, 14B and 15. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

MINUTES

Request: Approve the [Special Meeting Minutes of September 17, 2019](#); [Regular Meeting Minutes of September 17, 2019](#), and [September 24, 2019](#); and Executive Session Minutes of September 17, 2019, and October 1, 2019.

– Councilman Phillips made a motion to approve the Special Meeting Minutes of September 17, 2019; Regular Meeting Minutes of September 17, 2019, and September 24, 2019; and Executive Session Minutes of September 17, 2019, and October 1, 2019. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-14B

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 14B. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

1. [Canopy by Hilton Scottsdale Liquor License \(66-LL-2019\)](#) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for a new location and owner.

Location: 7142 E. 1st Street

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

2. [Chauncey Venue Liquor License \(72-LL-2019\)](#) – 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 a new location and owner.

Location: 17767 N. Scottsdale Road, Suite 200

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

3. **Fire Station 616 – Approved on Consent.**

Request: Adopt **Resolution No. 11596** to authorize:

1. Cancelling Construction Bid Award No. 19PB009 with Path Construction Southwest, LLC, in the amount of \$3,980,000 for construction of Fire Station 616.
2. Construction Bid Award No. 20PB009 with MACO Construction Services, Inc., the lowest responsive bidder, in the amount of \$4,131,038 for construction of Fire Station 616 to be located on Cave Creek Road, just west of 110th Street.
3. The City Attorney, and respective staff, to file such claims, counterclaims, crossclaims, third-party claims, or other similar actions against Path Construction Southwest, LLC, any other surety, and, if necessary, any other person or entity as may be deemed necessary to pursue all legal remedies.

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

4. **84th Street and Shea Boulevard Drainage Improvements – Approved on Consent.**

Request: Adopt **Resolution No. 11618** authorizing Construction Bid Award No. 20PB007 to Southwest Sawcutting & Milling, LLC, dba SWB Paving, at a unit price bid of \$39,241 for the 84th Street and Shea Boulevard drainage improvements.

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

5. **Budget Transfer for the Drinkwater Underpass Public Art Project – Approved on Consent.**

Request: Adopt **Resolution No. 11607** authorizing a FY 2019/20 capital budget appropriation transfer in the amount of \$200,000 from the Arts in Public Places project to a newly created CIP project titled Drinkwater Underpass Public Art Project.

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

6. **Fire Department Staffing for Adequate Emergency Response Grant – Approved on Consent.**

Request: Adopt **Resolution No. 11609** to authorize:

1. The acceptance of a FY 2019/20 Federal Emergency Management Agency Staffing for Adequate Emergency Response grant in the amount of \$1,285,056 over three, 12-month periods beginning November 10, 2019.
2. The addition of six new full-time equivalent positions at the job classification of firefighter in the Fire Department during FY 2019/20.
3. A budget transfer in the amount of \$185,330 from the adopted FY 2019/20 Future Grants Budget and/or Grant Contingency to a newly created cost center within the Fire Department's operating budget to record the related grant activity. The budget transfer will cover 16 pay periods from November 10, 2019, through June 30, 2020, to be funded by the grant.
4. A budget transfer in the amount of \$189,400 from the FY 2019/20 adopted General Fund Operating Contingency to the Fire Department's operating budget to cover the 25% required grant match and medical exams, as well as one-time costs associated with the academy, and for uniforms and gear.
5. The Fire Chief, or designee, to conduct all negotiations and to execute and submit all documents in connection with the grant.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

7. **WaterSMART Grant Application – Approved on Consent.**

Request: Adopt **Resolution No. 11616** authorizing the submission of a grant application to the United States Department of Interior Bureau of Reclamation for a water conservation field services program grant for federal FY 2019/20, and authorizing the acceptance of any resulting grant award.

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

8. **Proposition 202 Grant Funds Acceptance – Approved on Consent.**
Request: Adopt **Resolution No. 11604** to authorize:
 1. The City to accept \$65,000 in Proposition 202 Tribal Gaming funds from the Gila River Indian Community.
 2. The Government Relations Director, or designee, to execute any necessary documents to facilitate the receipt or transmittal of the specified grant money.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

9. **Audit Committee Recommendation for the Human Services Commission Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 11605** accepting the Audit Committee's recommendation and authorizing the continuation of the Human Services Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

10. **Audit Committee Recommendation for the Judicial Appointments Advisory Board Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 11606** accepting the Audit Committee's recommendation and authorizing the continuation of the Judicial Appointments Advisory Board.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

11. **Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims – Approved on Consent.**
Request: Adopt **Resolution No. 11615** authorizing the execution of a letter to the Industrial Commission of Arizona requesting an exemption to the requirement to post security for outstanding workers' compensation claims.
Staff Contact(s): Katherine Callaway, Risk Management Director, 480-312-7841, kcallaway@scottsdaleaz.gov

12. **Legal Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 11611** authorizing legal fees to be incurred in Contract No. 2015-031-COS with the Law Offices of Robert S. Murphy, LLC, in an amount not to exceed \$10,000 for the defense of *Marcellus v. City of Scottsdale, et al.*, Case No. CV2015-091140, currently pending in the Superior Court of Maricopa County.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

13. **Tim Riester and Mirja Riester v. City of Scottsdale, et al., Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11595** authorizing Agreement No. 2019-172-COS with Tim Riester and Mirja Riester and the Town of Paradise Valley in the amount of \$175,000 to settle the lawsuit titled *Tim Riester and Mirja Riester v. City of Scottsdale, et al.*, currently pending in Maricopa County Superior Court, Case No. CV2018-004269.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

14. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2019/20 Monthly Financial Report as of August 2019.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

- ***14A. **WestWorld Event Contract – Approved on Consent.**
Request: Adopt **Resolution No. 11623** authorizing the City Manager, or designee, to execute a contract with the Federation Equestre Internationale for the Reining and Vaulting World Championship in 2022 at WestWorld.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

*****14B. City Attorney Employment Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 11627** authorizing Employment Agreement No. 2019-180-COS with Sherry R. Scott.

Staff Contact(s): William Hylen, Senior Assistant City Attorney, 480-312-2472, whylen@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 15-16**

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. Museum Square Rezoning, Development Agreement, and Abandonment (13-ZN-2018, 10-DA-2018, and 1-AB-2019) **ITEM 15 PART 1** **ITEM 15 PART 2**

Requests:

1. Adopt **Resolution No. 11566** authorizing Agreement No. 2018-029-COS-A4, the fourth amendment to the agreement with ARC Scottsdale Holdings, LLLP, regarding the acquisition of real property owned by the City located east of N. Goldwater Boulevard and west of N. Marshall Way, both north and south of 2nd Street.
2. Adopt **Ordinance No. 4428** approving a zoning district map amendment from Downtown/ Downtown Multiple Use Type-2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) and Downtown/Office Commercial Type-2, Planned Block Development, Downtown Overlay (D/OC-2 PBD DO) zoning to Downtown/Downtown Multiple Use Type-3, Planned Block Development, Downtown Overlay (D/DMU-3 PBD DO) zoning, including a development plan with amended development standards for a mixed-use project with building height up to 150 feet, including hotel, residential, and an open space plaza on a 7.34±-acre site located at 2nd Street and Marshall Way.
3. Adopt **Resolution No. 11600** declaring the document titled “Museum Square Development Plan” to be a public record.
4. Adopt **Resolution No. 11599** authorizing Development Agreement No. 2019-173-COS with ARC Scottsdale Holdings, LLLP.
5. Adopt **Resolution No. 11601** authorizing the abandonment of a 10-foot-wide right-of-way segment along the south side of E. 2nd Street, located along the northern boundary of APN No. 130-13-404, with Downtown/Office Commercial Type-2, Planned Block Development, Downtown Overlay (D/OC-2 PBD DO) zoning located at 7007 E. 2nd Street.
6. Adopt **Resolution No. 11602** authorizing a City Treasurer Budget transfer from the General Fund to the Downtown Special Improvement Trust Fund, in the amount of \$885,063.83, for the bonus payment in accordance with the terms of Agreement No. 2019-173-COS.

Location: 7007, 7084, 7108, 7114, 7105, 7111 E. 2nd Street and 3600 N. Marshall Way

Presenter(s): Bryan Cluff, Sr. Planner

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

– Senior Planner Bryan Cluff presentation.

– Applicant Representatives John Berry, Rob Macdonald, and Jeff Denzak presentations.

– Councilwoman Klapp made a motion to approve Item 15 and adopt Resolution No. 11566, Ordinance No. 4428, Resolution No. 11600, Resolution No. 11599, Resolution No. 11601, and Resolution No. 11602, after determining that the zoning district map amendment is consistent and conforms with the adopted General Plan, and finding that the Planned Block Development Overlay Criteria have been met. Councilwoman Milhaven seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

16. [Southbridge Two Rezoning, Abandonment, and Development Agreement \(22-ZN-2018, 19-AB-2018, and 4-DA-2019\)](#)

Request: Continue to November 12, 2019.

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

– Councilwoman Klapp made a motion to continue Item 16 to November 12, 2019.

Councilmember Korte seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

Note: The only Council action to be taken on Item No. 16 is to continue the item to the November 12, 2019, Council meeting. No public comment will be taken on this item.

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 17

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.

17. **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 – None

Adjourn the Regular Meeting and Convene the Special Meeting – 7:30 P.M.

CITY COUNCIL SPECIAL MEETING AND POSSIBLE EXECUTIVE SESSION

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

Call to Order – 7:31 P.M.

Roll Call – All present

Possible Executive Session

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Scottsdale City Council and to the general public that the Scottsdale City Council will hold a Special Meeting open to the public on Tuesday, October 15, 2019, in the City Hall Kiva Forum, 3939 N. Drinkwater Boulevard, for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the Scottsdale City Council, the executive session will be held immediately after the vote and will not be open to the public. The agenda for the meeting is as follows:

1. Request for Executive Session to:

- (A) Discuss and consult with the City's attorneys for legal advice; discuss and consult with designated representatives of the City to consider its position and to instruct its representatives regarding negotiations for the purchase, sale, or lease of real property; and discuss and consult with the City's attorneys to consider the City's position and instruct its attorneys regarding contracts that are the subject of negotiations. These matters all pertain to real property located near the intersection of Goldwater and 5th Avenue in Scottsdale, Arizona. A.R.S. § 38-431.03(A)(3), (4) & (7).

– Councilmember Korte made a motion to adjourn into executive session. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

Adjourn to Executive Session in the Kiva Conference Room – 7:32 P.M.