

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, September 17, 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 (September 24, 2019).

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 (Councilman Phillips participated telephonically)

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 Littlefield

Invocation – Pastor Bryan McAnally, Scottsdale Bible Church

Mayor's Report – Mayor Lane welcomed a delegation of international visitors from Central Asia.

Presentations/Information Updates – None

Public Comment – David Ortega expressed concerns about the Southbridge Project. Barney Gonzalez commented on potential loss of parking in the Rose Garden area. Sonnie Kirtley expressed concern about the City's noise ordinance. French Thompson and Bob Pejman commented on public parking associated with the proposed Museum Square project.

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

MINUTES

Request: Approve the [Regular Meeting Minutes of August 27, 2019](#), and [August 28, 2019](#).

– **Councilmember Korte made a motion to approve the Regular Meeting Minutes of August 27, 2019, and August 28, 2019. 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.**

CONSENT AGENDA ITEMS 1-18

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 18. 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.**

- [Lush Burger Liquor License \(65-LL-2019\)](#) – **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: 18251 N. Pima Road, Suite 120
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Ireland Abandonment \(3-AB-2019\)](#) – **Approved on Consent.****
Request: Adopt **Resolution No. 11569** authorizing the abandonment of 33 feet of General Land Office Patent Easements located along the western and southern boundaries of a parcel with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.
Location: 13220 E. Gold Dust Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- [Black Rock Coffee Parcel Zoning Stipulation Amendment \(19-ZN-1987#5\)](#) – **Approved on Consent.****
Request: Adopt **Ordinance No. 4419** approving a zoning district map amendment to amend stipulations in Case No. 19-ZN-1987 on 1.49± acres of the Highway Commercial (C-3) properties by removing the stipulation which restricts the signage on the south-face of the buildings to no higher than 8 feet on the building.
Location: 10683 and 10687 N. 116th Street.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

4. [Winery Suites of Scottsdale Rezoning \(24-ZN-2018\)](#) – **Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4414** approving a zoning district map amendment from Central Business District, Downtown Overlay (C-2 DO) and Downtown, Office Residential, Type 2, Downtown Overlay (D/OR-2 DO) to Downtown, Downtown Multiple-Use, Type 2, Downtown Overlay (D/DMU-2 DO) including a Development Plan for a mixed-use project on a 0.37±-acre site.
2. Adopt **Resolution No. 11536** declaring the document titled “*Winery Residences Development Plan*” to be a public record.

Location: 6951 and 6961 E. 1st Street

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

5. [NWC of Pima & Thomas Non-Major General Plan Amendment and Rezoning \(1-GP-2019 and 1-ZN-2019\)](#) – **Approved on Consent.**

Requests:

1. Adopt **Resolution No. 11568** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Employment to Commercial on a 1±-acre site.
2. Adopt **Ordinance No. 4418** approving a zoning district map amendment from Industrial Park District (I-1) to Central Business District (C-2) zoning on a 1±-acre site.

Location: 8700 E. Thomas Road

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

6. [75 on 2nd Rezoning \(2-ZN-2019\)](#) – **Approved on Consent.**

Request: Adopt **Ordinance No. 4420** approving a zoning district map amendment from Downtown/Office Residential Type-2, Downtown Overlay (D/OR-2 DO) and Service Residential Downtown Overlay (S-R DO) zoning to Downtown, Downtown Multiple Use Type-2 Downtown Overlay (D/DMU-2 DO) zoning on a 1.1±-acre site.

Location: 7502, 7508, 7514, and 7520 E. 2nd Street

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

7. [Above Ground Reservoir at Booster Pump Station 42](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 11553** authorizing the purchase of 1.08± acres of land from the Arizona State Land Department and initiating a Municipal Use Master Site Plan for the expansion and construction of a new 2.5 million gallon above ground reservoir at Booster Pump Station 42 located northwest of the intersection of Pima and Jomax Roads.

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

8. [Raintree Drive Extension Project Development Agreement](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 11558** authorizing Agreement No. 2019-148-COS with PL Acoma, LLC, as part of negotiations for the purchase of the right-of-way required for the Raintree Drive Extension Project.

Location: 7812 E. Acoma Drive

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

9. [Preserve Trails Construction Services Job Order Contracts](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 11559** authorizing the following job order contract modifications for the first option year, in an amount not to exceed \$2,000,00 per contract, for Preserve trail projects throughout the City as needed:

1. Contract No. 2017-138-COS-A1 with American Conservation Experience
2. Contract No. 2017-139-COS-A1 with Cuddy Mountain Trail Company

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

10. **Programmatic Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11548** authorizing Agreement No. 2019-141-COS with the Arizona State Historic Preservation Office to allow the City to conduct its own historic clearance process for programs funded with U.S. Department of Housing and Urban Development grant funds.
Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov
11. **Trolley Advertising Fee – Approved on Consent.**
Request: Adopt **Resolution No. 11563** authorizing adjustments to the Transportation Fee Schedule for trolley advertising and approving the form of the Trolley Advertising Agreement.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
12. **Drinkwater Boulevard Bridge Capital Project – Approved on Consent.**
Request: Adopt **Resolution No. 11560** authorizing Agreement No. 2019-149-COS with the Maricopa Association of Governments for project administration and reimbursement of Proposition 400 Regional Transportation Sales Tax funds for eligible costs incurred by the City for the Drinkwater Boulevard Bridge capital project.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
13. **Tavern Grille Teletrack Wagering Establishment License – Approved on Consent.**
Request: Consider approval of a renewal application for a Teletrack Wagering Establishment License for Tavern Grill.
Location: 8880 E. Via Linda, Suite 106
Staff Contact(s): Darcy Nichols, Business Services Director, 480-312-5925, danichols@scottsdaleaz.gov
14. **Proposition 202 Grant Funds Acceptance – Approved on Consent.**
Request: Adopt **Resolution No. 11581** to authorize:
 1. Agreement No. 2019-165-COS with the Fort McDowell Yavapai Nation to accept Proposition 202 Tribal Gaming Funds in the amount of \$20,000.
 2. A budget transfer in the amount of \$20,000 from the adopted FY 2019/20 Grant Contingency and/or the Future Grants Budget to a newly created cost center to record the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov
15. **Event Directional Sign Program – Approved on Consent.**
Request: Adopt **Ordinance No. 4407** amending Scottsdale Revised Code, Chapter 22, Sections 22-3 and 22-23(e), for the purpose of modifying requirements for qualifying directional event banners.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
16. **Municipal Property Corporation Excise Tax Bond Issuance for Flood Control Improvement and Scottsdale Stadium Improvement Projects – Approved on Consent.**
Request: Adopt **Resolution No. 11564** to authorize:
 1. The execution and delivery of an agreement with the Scottsdale Municipal Property Corporation providing for financing and approving the issuance of bonds in the amount of up to \$10.0 million for drainage and flood control improvements and up to \$33.5 million for Scottsdale Stadium improvements, for a total amount not to exceed \$43.5 million in one or more series, as tax-exempt and/or taxable bonds, to finance those or other public improvements.
 2. The form of the agreement, trust indenture and a continuing disclosure certificate with respect to the bonds.
 3. Ratifying the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.**Staff Contact(s):** Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

17. **2020 Primary and General Elections – Approved on Consent.**

Request: Adopt **Resolution No. 11590** calling the City of Scottsdale's Primary Election for Tuesday, August 4, 2020, and the City's General Election, if necessary, for Tuesday, November 3, 2020, for the purpose of electing a Mayor and three Councilmembers.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

18. **Marcellus v. City of Scottsdale Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 11591** authorizing settlement in the amount of \$120,000 of Robert Marcellus's negligence lawsuit against the City titled *Marcellus v. City of Scottsdale*, Case No. CV2015-091140, currently pending in Maricopa County Superior Court.

Staff Contact(s): Joe Padilla, Acting City Attorney, 480-312-2405, jpadilla@scottsdaleaz.gov

REGULAR AGENDA **ITEM 19**

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.**

19. **Boards and Commissions – Removed from the agenda at the request of staff.**

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.

Presenter(s): Megan Lynn, Management Assistant

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov

Public Comment – None

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CITIZEN PETITIONS **ITEM 20**

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.

20. 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

ITEM 21

21. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for October 1, 2019)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Airport Advisory Commission (*three vacancies*) – **Councilwoman Littlefield nominated John Berry, Cory Little, and Kevin Maxwell; Councilman Phillips nominated Rob Higby; and Mayor Lane nominated Sharon Urias.**

Building Advisory Board of Appeals (*one vacancy*) – **Councilman Phillips nominated Julian Anderson.**

Human Relations Commission (*two vacancies*) – **Councilmember Korte nominated Marty Day and Jeffrie Story and Councilwoman Klapp nominated Muhammad Babur and Conay Huizar.**

Transportation Commission (*one vacancy*) – **Mayor Lane nominated David Dubner, Councilwoman Klapp nominated Mary Ann Miller, and Councilwoman Whitehead nominated Michael Penn.**

Veterans Advisory Commission (*seven vacancies*) – **Councilwoman Klapp nominated Vernon Bagley, William Chamberlain, Jack Chase, John Doering, Don Ford, Blake Lindgren, and Marie Monroe; Vice Mayor Milhaven nominated Michael Gannon, Peter Palmer, and Denise Pulk; Councilwoman Littlefield nominated Michael Ragole and Steve Ziomek; and Councilman Phillips nominated Ronald Cacini, Gerald Palozie, and Joel Stempil.**

Mayor and Council Items – None

Adjournment – 5:37 P.M.