

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, OCTOBER 8, 2013**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:04 P.M. on Tuesday, October 8, 2013, in the City Hall Kiva.

**ROLL CALL**

Present: Mayor W.J. "Jim" Lane  
Vice Mayor Virginia L. Korte  
Councilmembers Suzanne Klapp, Robert W. Littlefield, Linda Milhaven,  
Guy Phillips, and Dennis E. Robbins

Also Present: City Manager Fritz Behring  
City Attorney Bruce Washburn  
Acting City Treasurer Lee Guillory  
City Auditor Sharron Walker  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Girl Scout Troop 2068, Troop Leader Tracy Saba

**INVOCATION** – Pastor Paul Newman, Scottsdale Bible Church

**MAYOR'S REPORT**

Mayor Lane proclaimed October 17th as "Lights on Afterschool Day." The Lights on Afterschool Program focuses on afterschool programs for kids. Navajo Elementary School Principal Amy Moore accepted the proclamation on behalf of the Scottsdale Unified School District.

**CITY MANAGER'S REPORT** – None

**PRESENTATIONS/INFORMATION UPDATES** – None

**NOTE:** MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

## **PUBLIC COMMENT**

- Cave Creek Mayor Vincent Francia expressed his belief that Cave Creek should be the "West's Most Western Town."
- Cave Creek Vice Mayor Adam Trenk expressed his belief that Cave Creek should be the "West's Most Western Town."
- Cave Creek Councilmember Reg Monachino expressed his belief that Cave Creek should be the "West's Most Western Town."
- Scottsdale Chamber of Commerce President Rick Kidder reported on the progress that is being made in the southern area of the City, particularly in the area of the McDowell Road corridor.
- Pattie Badenoch spoke in support of Scottsdale as the "West's Most Western Town."

## **ADDED ITEMS**

### **A1. Added Items**

Regular Item No. 12A was added to the agenda October 3, 2013.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is October 22, 2013.

## **MOTION AND VOTE – ADDED ITEMS**

Councilman Robbins made a motion to accept the agenda as presented. Councilwoman Milhaven seconded the motion, which carried 7/0.

## **MINUTES**

**Request:** Approve the Special Meeting Minutes of September 10, 2013; Regular Meeting Minutes of September 10, 2013; and Executive Session Minutes of July 1, 2013 and July 2, 2013.

## **MOTION AND VOTE – MINUTES**

Vice Mayor Korte made a motion to approve the Special Meeting Minutes of September 10, 2013; Regular Meeting Minutes of September 10, 2013; and Executive Session Minutes of July 1, 2013 and July 2, 2013. Councilwoman Klapp seconded the motion, which carried 7/0.

## **CONSENT AGENDA**

### **1. Old Town 42 Sports Grill Liquor License (76-LL-2013)**

**Request:** Consider forwarding a recommendation 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:** 4224 N. Craftsman Court

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

**2. Ocean 7 Liquor License (77-LL-2013)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 6 (bar) State liquor license.

**Location:** 1420 N. Scottsdale Road

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

**3. Buffalo Wild Wings Liquor License (78-LL-2013)**

**Request:** Consider forwarding a recommendation 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:** 7401 E. Frank Lloyd Wright Boulevard

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

**4. Los Sombreros Mexican Restaurant Liquor License (79-LL-2013)**

**Request:** Consider forwarding a recommendation 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:** 14795 N. Northsight Boulevard

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

**5. Twin Peaks Liquor License (80-LL-2013)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) State liquor license.

**Location:** 8787 E. Frank Lloyd Wright Boulevard

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

**6. Pasta Brioni Liquor License (81-LL-2013)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) State liquor license.

**Location:** 4416 N. Miller Road

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

**7. Thomas Road Bicycle Lanes and Enhanced Sidewalks Construction Bid Award**

Item 7 was moved to the Regular agenda (see Page 4).

**8. Airport Runway Safety Area Lighting and Signage Improvements Construction Bid Award**

**Request:** Adopt **Resolution No. 9529** authorizing Construction Bid Award No. 13PB043 to Rural Electric, Inc., in the amount of \$104,380, for the Runway Safety Area Lighting and Signage Improvements project.

**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735,  
[gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)

**9. Water and Water Reclamation Treatment On-Call Engineering Services Contracts**

**Request:** Adopt **Resolution No. 9533** authorizing the following on-call engineering services contracts, for an amount not to exceed \$150,000 per contract, to provide process control related professional services for water and water reclamation facilities:

1. Contract No. 2013-150-COS with Jacobs Engineering Group, Inc.
2. Contract No. 2013-151-COS with Water Works Engineers.

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

**10. Medical Services Contract Extension**

**Request:** Adopt **Resolution No. 9532** authorizing extension of Professional Services Contract No. 2009-143-COS, as amended, with Scottsdale Healthcare Corporate Health for an additional period of one year, from September 22, 2013 to September 21, 2014, to provide medical services for work-related injuries (workers' compensation) and employment-related medical testing and physical examinations.

**Staff Contact(s):** George Woods, Acting Risk Management Director, 480-312-7840, [gwoods@scottsdaleaz.gov](mailto:gwoods@scottsdaleaz.gov)

**11. City Treasurer Employment Agreement**

Item 11 was moved to the Regular agenda (see Page 5).

**MOTION AND VOTE – CONSENT AGENDA**

Vice Mayor Korte made a motion to approve Consent Items 1 through 10, absent Item 7. Councilman Robbins seconded the motion, which carried 7/0.

**REGULAR AGENDA**

**7. Thomas Road Bicycle Lanes and Enhanced Sidewalks Construction Bid Award**

**Request:** Adopt **Resolution No. 9502** to authorize:

1. Construction Bid Award No. 13PB014 to Blucor Contracting, Inc., in the amount of \$4,335,278.75, for construction of the Thomas Road Bicycle Lanes and Enhanced Sidewalks project.
2. General Fund Capital contingency budget appropriation transfer in the amount of \$700,000 to be funded by Transportation Sales Tax and a reallocation of \$1,613,000 in Bond 2000 funds from CIP Project T1201, Hayden/Thomas Safety Improvements to CIP Project T0606, Thomas Road Bicycle Lanes and Enhanced Sidewalks.

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

In response to a question, Mr. Earle reported that the Thomas Road Bicycle Lanes and Enhanced Sidewalks Project will be funded from the Bond 2000 proceeds.

**MOTION AND VOTE – ITEM 7**

Councilwoman Milhaven made a motion to adopt Resolution No. 9502. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilman Phillips dissenting.

**11. City Treasurer Employment Agreement**

**Request:** Adopt **Resolution No. 9537** authorizing Employment Agreement No. 2013-153-COS with Jeff Nichols, the City Treasurer.

**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405,  
[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

City Attorney Bruce Washburn gave a brief overview of the request to approve the proposed employment agreement with the new City Treasurer, Jeff Nichols.

**MOTION AND VOTE – ITEM 11**

Councilman Robbins made a motion to adopt Resolution No. 9537 authorizing Employment Agreement No. 2013-153-COS with Jeff Nichols, the City Treasurer. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

**12. Rim to Rim Wines Liquor License (71-LL-2013)**

(Item No. 12 withdrawn by applicant.)

**12A. Belleview Properties Preconstruction Services Contract**

**Request:** Adopt **Resolution No. 9539** authorizing CM@Risk Preconstruction Contract No. 2013-154-COS with Habitat for Humanity of Central Arizona, in the amount of \$10,800, for preconstruction phase services for rehabilitation of City-purchased properties.

**Location:** 7220 and 7224 E. Belleview Street

**Presenter(s):** Derek Earle, City Engineer

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

City Engineer Derek Earle gave a PowerPoint presentation (attached) on the proposed Belleview Properties Preconstruction Services Contract.

**MOTION AND VOTE – ITEM 12A**

Councilwoman Milhaven made a motion to adopt Resolution No. 9539 authorizing CM@Risk Preconstruction Contract No. 2013-154-COS. Councilwoman Klapp seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Littlefield and Phillips dissenting.

**MAYOR AND COUNCIL**

**13. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for November 19, 2013)**

Human Services Commission (*one vacancy*) - Councilman Phillips nominated Harold Roth and Vice Mayor Korte nominated Dustin Thomas.

Judicial Appointments Advisory Board (*one vacancy*) - Vice Mayor Korte nominated Kenneth Weingarten.

Library Board (*one vacancy*) - Councilman Phillips nominated Christine Naiman and Councilman Littlefield nominated Douglas Sydnor.

Loss Trust Fund Board (*one vacancy*) - There were no applicants for this board.

Neighborhood Advisory Commission (*two vacancies*) - Mayor Lane nominated Jordan Ledbetter and Todd Mazon; and Councilwoman Klapp nominated Daniel Russell, III.

Parks and Recreation Commission (*two vacancies*) - Councilwoman Milhaven nominated Michael Bouscher and Sherry Woodley; Councilwoman Klapp nominated William Follette and Anne Wurth.

Trails Subcommittee (*two vacancies*) - Councilwoman Milhaven nominated Linda Whitehead.

## CITIZEN PETITIONS

### 14. Receipt of Citizen Petitions

**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 agendaize 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)

No citizen petitions were received.

**MAYOR AND COUNCIL ITEMS** – None

## ADJOURNMENT

With no further business to discuss, the Regular Meeting adjourned at 6:15 P.M.

**SUBMITTED BY:**



Carolyn Jagger  
City Clerk


Officially approved by the City Council on November 12, 2013

### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 8<sup>th</sup> day of October 2013.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 12<sup>th</sup> day of November 2013.

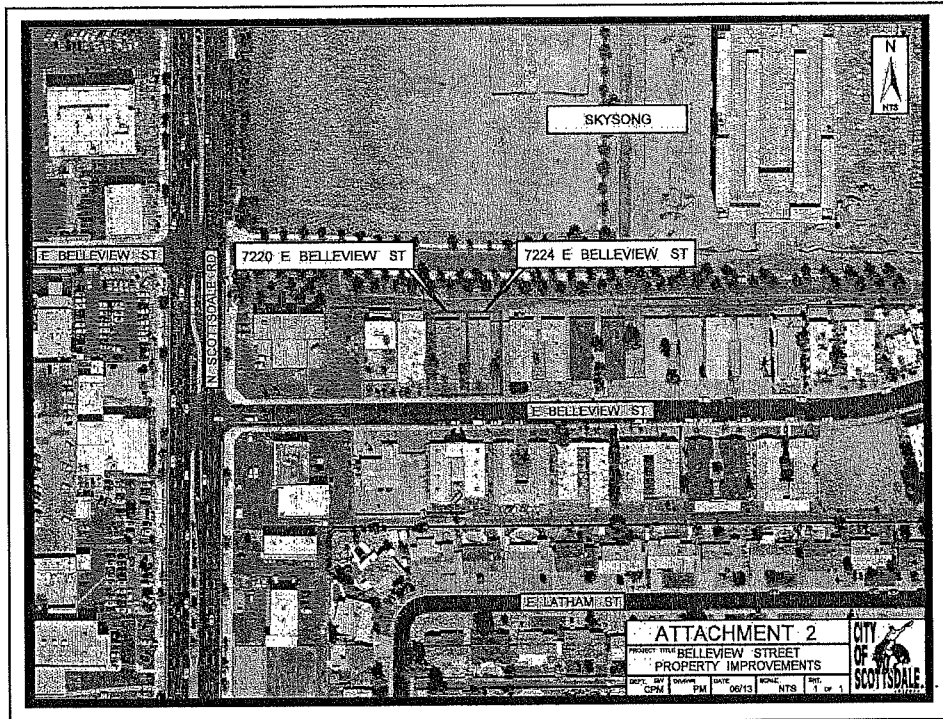
  
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Carolyn Jagger, City Clerk

Item 12A

# Bellevue Properties

## Construction Manager at Risk Preconstruction Phase Services

City Council  
October 8, 2013





## Construction Manager at Risk

- Qualification based process for selecting contractors
- Provided for under ARS Title 34
- Commonly used for unusual projects or those with specific characteristics that require special experience
- Two step process of contract award:
  - *Preconstruction phase services (tonight)*
    - Contractor works with designer to find efficiencies
    - Contractor develops construction cost estimate
  - *Construction phase services (October 22)*
    - “Guaranteed Maximum Price” established
    - Initiates construction process



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## Budget Status

<i>Appropriation</i>	<i>Amount</i>	<i>Actual (as of 9/30)*</i>
Land Purchase (4/16/13)	\$275,000	\$279,042
Closing Costs (4/16/13)	\$25,000	
Design/Mitigation (7/1/13)	\$150,000	\$162,000
Construction (9/10/13)	\$800,000	
<b>Total</b>	<b>\$1,250,000</b>	<b>\$441,042</b>

\* Actual amounts represent contracted commitments as of 9/30/13 and may not be indicative of actual payments to date



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## Requested Action

Adopt Resolution 9539 authorizing Construction Manager at Risk Contract 2013-154-COS in the amount of \$10,800 with Habitat for Humanity of Central Arizona for preconstruction phase services for rehabilitation of city purchased properties at 7220 and 7224 East Belleview Street.

