

SCOTTSDALE

CITY COUNCIL MEETING



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

[Reworded Consent Item No. 25]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Monday, November 26, 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 (December 11, 2018).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:00 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 – Councilman Smith

Invocation – Rabbi Ariel Shoshan, Ahavas Torah, The Scottsdale Torah Center and Scottsdale Police Chaplain

Mayor's Report – Mayor Lane announced the kick-off of Scottsdazzle and upcoming events. Mayor Lane wished the Saguaro Sabercats good luck in pursuit of their 6th straight 4A state football championship.

Presentations/Information Updates – Neighborhood Advisory Commissioner Chair Jennifer Fabiano and Commission members Carol Miraldi and Rachel Putman presented the 2018 Spirit of Scottsdale awards.

- **2018 Spirit of Scottsdale Award**

Presenter(s): Jennifer Fabiano, Neighborhood Advisory Commission Chair

Public Comment – Dennis Hall commented on the draft swim club policy. Howard Myers thanked the supporters of Proposition 420. Betty Janik commented on an advertisement thanking Proposition 420 supporters.

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

CONSENT AGENDA **ITEMS 1-25**

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.

– Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 25, absent Item 17, which was removed at the request of staff. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

1. **Arrivederci Italian Cuisine Liquor License (74-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: 8900 E. Pinnacle Peak Road, Suite D1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **House Brasserie Liquor License (75-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: 6936 E. Main Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Bourbon Cellar Liquor License (76-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 a new location and owner.
Location: 23623 N. Scottsdale Road, Suite D107
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Permanent Extension of Premises for Kyoto (2-EX-2018) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 12 (restaurant) State liquor license for an existing location to add a patio.
Location: 7170 E. Stetson Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Stanley A. Crews Veterans of Foreign Wars Post 3513 Bingo License (1-BI-2018) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Revenue for a bingo license.
Location: 7220 E. Wilshire Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Shea Residence Abandonment (14-AB-2018) – Approved on Consent.**
Request: Adopt **Resolution No. 11288** authorizing the abandonment of 4,799± square feet of right-of-way located along the east boundary of Parcel No. 216-48-366 with Single-Family Planned Community Development Environmentally Sensitive Lands (R1-18 PCD ESL) zoning.
Location: 34745 N. 79th Way
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

7. **[Singh Residence \(15-AB-2018\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11310** authorizing the abandonment of a portion of the existing 33-foot GLO easement located on the north and east sides of Parcel No. 217-31-019F with Single-Family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning.
Location: 12997 E. Cochise Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
8. **[Silverstone Parcel G North Final Plat \(9-PP-2017#2\)](#) – **Approved on Consent.**
Request: Reapprove the final plat for 182 lots on a 23.73±-acre site with Multiple-Family Residential District, Planned Community District (R-5/PCD) zoning for a minor modification of a drainage/open space tract to allow tract “CA” and the property lines for lots 13-32 to be consistent with the existing drainage walls located on the site.
Location: 23233 N. 74th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
9. **[Scottsdale Heights \(1-PP-2018\)](#) – **Approved on Consent.**
Request: Approve the final plat for a 54-lot residential subdivision on a 13.3±-acre site with Medium Density Residential District, Environmentally Sensitive Lands Overlay (R-3 ESL) and Central Business District, Environmentally Sensitive Lands Overlay (C-2 ESL) zoning.
Location: 7225 E. Dove Valley Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
10. **[Fiscal Year 2018/19 Capital Improvement Plan Mid-Year Budget Adjustments](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11317** authorizing FY 2018/19 capital improvement plan mid-year budget adjustments.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
11. **[Parking and Access Easement Agreements](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11302** to authorize:
 1. Termination of Parking and Cross-Access Easement Agreement No. 2018-191-COS with Spectrum Acquisition Scottsdale, LLC.
 2. Parking and Access Easement Agreement No. 2018-192-COS with Spectrum Acquisition Scottsdale, LLC, to support the City’s park maintenance and parking needs associated with the park and Club SAR properties located east of the Camelback Road and Hayden Road intersection.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
12. **[68th Street Bridge Land Use License Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11314** authorizing Agreement No. 2018-194-COS with Salt River Project Agricultural Improvement and Power District to license an area across the Arizona Canal for reconstruction of the existing 68th Street Bridge.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
13. **[Palomino Library Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11293** authorizing Agreement No. 2018-183-COS with Scottsdale Unified School District No. 48 for the operation and maintenance of Palomino Library at Desert Mountain High School to update and supersede existing Agreement No. 2012-101-COS.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov**

14. **[Naming of Teen Center at Eldorado Community Center](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11318** authorizing the Boys & Girls Clubs of Greater Scottsdale to name the teen center at the Barker Branch of the Boys & Girls Club within the Eldorado Community Center the “*Executive Council Charities Teen Center.*”
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov**
15. **[Papago Sports Complex Lease Agreements](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11322** to authorize:
 1. Lease Agreement No. 2018-201-COS with the City of Phoenix for use of the Papago Sports Complex property.
 2. Sublease Agreement No. 2018-202-COS with the San Francisco Giants Baseball Club, LLC, for use of the Papago Sports Complex property.**Location:** Northwest corner of McDowell Road and 64th Street
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov**
16. **[R T O’Sullivan’s Teletrack Wagering Establishment License](#) – **Approved on Consent.**
Request: Consider approval of an application for a new Teletrack Wagering Establishment License for R T O’Sullivan’s.
Location: 7919 E. Thomas Road, Suite 101
Staff Contact(s): Darcy Nichols, Business Services Director, 480-312-5925, danichols@scottsdaleaz.gov**
17. **[Pari-Mutuel Wagering on Telecast Racing Events Code Amendment](#) – **Removed from the agenda at the request of staff.**
Request: Adopt **Ordinance No. 4368** amending Scottsdale Revised Code, Chapter 16, Licenses, Taxation and Miscellaneous Business Regulations, Sections 16-493, 16-494, 16-496, 16-499, 16-501, 16-502, 16-506, 16-508, 16-509, 16-511, 16-512, and 16-513 relating to Pari-Mutuel Wagering on Telecast Racing Events (teletracking).
Staff Contact(s): Darcy Nichols, Business Services Director, 480-312-5925, danichols@scottsdaleaz.gov**
18. **[Drugs, Toxic Vapors, or Narcotics Incapacitation Code Amendment](#) – **Approved on Consent.**
Request: Adopt **Ordinance No. 4373** amending Scottsdale Revised Code, Chapter 19, Offenses—Miscellaneous, Section 19-8, to bring the Section into compliance with state law.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov**
19. **[Police Department Urban Area Security Initiative Grant](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11313** to authorize:
 1. The acceptance of a 2018 Arizona Department of Homeland Security Urban Area Security Initiative Terrorism Liaison Officer grant in the amount of \$20,000, if awarded.
 2. The Police Chief or designee to conduct all negotiations and to execute and submit all documents in connection with the grant.
 3. A budget transfer in the amount of \$20,000 from the adopted FY 2018/19 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov**
20. **[Federal Lobbying and Legal Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11306** authorizing Contract No. 2018-102-COS-A1 with Covington & Burling, L.L.P., to extend the contract for federal lobbying and legal services for one additional year.
Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov**

21. [Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims – Approved on Consent.](#)
Request: Adopt **Resolution No. 11312** 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
22. [Investment of Temporarily Idle Funds Code Amendment – Approved on Consent.](#)
Request: Adopt **Ordinance No. 4375** amending Scottsdale Revised Code, Chapter 2, Administration, Section 2-134, relating to the investment of temporarily idle funds of the City.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov
23. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2018/19 Monthly Financial Report as of September 2018.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
24. [November 6, 2018 General/Special Election Canvass – Approved on Consent.](#)
Request: Adopt **Resolution No. 11323** as the official canvass of the City of Scottsdale November 6, 2018 General/Special Election.
Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov
- ***25. [Implementation of Voter-Approved Transportation Tax Increase – Approved on Consent.](#)
Request: Adopt **Ordinance No. 4374** amending Appendix C of the Scottsdale Revised Code to increase the privilege tax rate from 1.65% to 1.75% and the use tax rate from 1.45% to 1.55% for a period of ten years, such increase to be effective February 1, 2019.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

REGULAR AGENDA ITEMS 26-29

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.**

26. [Fiscal Year 2017/18 Annual Financial Audit](#)
Request: Accept the FY 2017/18 annual financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co., P.C.
Presenter(s): Sharron Walker, City Auditor
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
– City Auditor Sharron Walker presentation.
– Councilwoman Klapp made a motion to accept the FY 2017/18 annual financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co., P.C. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

27. [Fiscal Year 2017/18 Financial Update and Use of Year-End General Fund and Transportation Fund Undesignated, Unreserved Fund Balance](#)

Requests:

1. Receive, discuss, and provide possible direction on the City Treasurer's financial summary presentation for FY 2017/18.
2. Discuss and provide possible direction to staff regarding options for use of the fiscal year-end 2017/18 General Fund and Transportation Fund undesignated, unreserved fund balance.

Presenter(s): Jeff Nichols, City Treasurer

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

– City Treasurer Jeff Nichols presentation.

28. [Monthly Financial Update](#)

Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of October 2018.

Presenter(s): Jeff Nichols, City Treasurer

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

– City Treasurer Jeff Nichols presentation.

29. [2019 State Legislative Agenda](#)

Request: Consider the approval of the City of Scottsdale's 2019 State Legislative Agenda.

Presenter(s): Brad Lundahl, Government Relations Director

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683,

blundahl@scottsdaleaz.gov

– Government Relations Director Brad Lundahl presentation.

– Councilmember Korte made a motion to approve the City's 2019 State Legislative Agenda.

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

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 30

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.

30. **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

– Mayor Lane made a motion to direct the City Manager and City Attorney to review Scottsdale’s current public nuisance ordinance and bring back recommendations that would update the public nuisance ordinance to better address unruly parties or gatherings and make it easier to hold property owners accountable for repeated unruly gatherings or parties on their properties. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

Adjournment – 7:05 P.M.