

SCOTTSDALE

CITY COUNCIL MEETING

*** AMENDED *** MEETING NOTICE AND AGENDA

[REWORDED ITEM NO. 1 AND 22; ADDED CONSENT ITEM NO. 1A]



COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Monday, August 28, 2017

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 (August 29 or September 12, 2017).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:04 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 – Scottsdale Bobcats

Invocation – Pastor Freddy T. Wyatt, First Southern Baptist Church of Scottsdale

Mayor's Report – Mayor Lane expressed his personal sorrow over some of the tragic events that occurred over the summer and asked everyone to keep the victims of hurricanes, tropical storms, terrorists, and radical activists in their thoughts. Mayor Lane issued a reminder that Scottsdale is a Golden Rule City and encourages everyone to treat others as they would like to be treated.

Presentations/Information Updates – Economic Development Director Danielle Casey presentation

- [Economic Development Strategic Plan Accomplishments](#)
Presenter(s): Danielle Casey, Economic Development Director

Public Comment – Jason Alexander reported on No DDC's activities. Mark Stuart reported on his IRS whistleblower activities. Mayor Lane responded to remarks made during public comment.

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.

– Councilmember Korte made a motion to accept the agenda as presented. Vice Mayor Klapp seconded the motion, which carried 7/0.

*****A1. Added Items**

Consent Item No 1A was added to the agenda on August 22, 2017.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is August 29, 2017.

MINUTES

Request: Approve the [Regular Meeting Minutes of June 27, 2017, July 5, 2017, and July 6, 2017](#); [Special Meeting Minutes of June 20, 2017, June 27, 2017, July 5, 2017, and July 6, 2017](#); [Work Study Session Minutes of July 6, 2017](#); and Executive Session Minutes of June 20, 2017, July 5, 2017, and July 6, 2017.

– Councilwoman Littlefield made a motion to approve the Regular Meeting Minutes of June 27, 2017, July 5, 2017, and July 6, 2017; Special Meeting Minutes of June 20, 2017, June 27, 2017, July 5, 2017, and July 6, 2017; Work Study Session Minutes of July 6, 2017; and Executive Session Minutes of June 20, 2017, July 5, 2017, and July 6, 2017. Councilmember Korte seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-20

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 3 through 20, absent Items 1, 1A, and 2, which were removed for a separate vote, and Items 5 and 16, which were moved to the Regular Agenda. Vice Mayor Klapp seconded the motion, which carried 7/0.

*****1. [LiveWire \(aka Skylanes\) Renovation Conditional Use Permits \(61-UP-1997#4\)\(17-UP-2012#3\)](#) – Councilmember Korte made a motion to approve Consent Agenda Items 1, 1A, and 2. Vice Mayor Klapp seconded the motion, which carried 6/1, with Councilman Smith dissenting.**

Requests:

1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 10875** approving a Conditional Use Permit for a bar, consisting of a change to the floor plan and addition of a patio, on a 13,224± square-foot site with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO) zoning.
2. Find that the conditional use permit criteria have been met and adopt **Resolution No. 10876** approving a Conditional Use Permit for live entertainment, consisting of a change to the floor plan and addition of a patio, on a 13,224± square-foot site with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO) zoning.

Location: 7340 E. Indian Plaza

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

- ***1A. [LiveWire Outdoor Dining License Agreement](#) – Approval of Item 1A was included with the motion for Item 1.
Request: Adopt Resolution No. 10860 approving new Outdoor Dining License Agreement 2017-128-COS with LMS 96, LLC, for an outdoor dining patio on City property and terminating old Outdoor Dining License Agreement 2014-160-COS.
Location: 7340 E. Indian Plaza
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
2. [LiveWire \(aka Skylanes\) Permanent Extension of Premises \(3-EX-2017\)](#) – Approval of Item 2 was included with the motion for Item 1.
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 6 (bar) State liquor license for an existing location for a new patio.
Location: 7340 E. Indian Plaza
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Majerle’s Sports Grill Conditional Use Permits \(15-UP-2015\) \(16-UP-2015\) and In-Lieu Parking Credits \(2-IP-2015\)](#) – Approved on Consent.
Requests:
1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 10872** approving a Conditional Use Permit for a bar on a 4,512± square-foot site with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO) and Parking District, Downtown Overlay (P-2 DO) zoning.
2. Find that the conditional use permit criteria have been met and adopt **Resolution No. 10873** approving a Conditional Use Permit for live entertainment on a 4,512± square-foot site with Central Business District, Parking District, Downtown Overlay (C-2/P03 DO) and Parking District Downtown Overlay (P-2 DO) zoning.
3. Adopt **Resolution No. 10874** approving a request to participate in the In-Lieu Parking Program for twenty-one parking credits.
Location: 4425 N Saddlebag Trail, Suite 105
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
4. [Westworld 15 \(Lanes End\) Preliminary Plat \(6-PP-2016\)](#) – Approved on Consent.
Request: Approve the final plat for a 15-lot residential subdivision on a 7.5±-acre site, with amended development standards that include a reduced front yard setback and reduced rear year setback, wall, entry features, and landscape plan, with Single Family Residential, Environmentally Sensitive Lands (R1-10 ESL) zoning.
Location: Western end of N. 102nd Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
5. [Granite Reef Townhomes \(aka Hudson East\) Non-Major General Plan Amendment and Rezoning \(8-GP-2016 and 10-ZN-2016\)](#)
– Senior Planner Dan Symer and applicant representative Alexandra Schuchler presentations.
– Councilwoman Littlefield made a motion to adopt Resolution No. 10871 and Ordinance No. 4317, including the stipulations presented by Planning, and adding the stipulation that: “Except for a stairwell penthouse above the second story to access a roof top patio and parapet walls or railing, a patio above the second story shall not be enclosed by walls, roof, or trellis.” Councilman Smith seconded the motion, which carried 7/0.
Requests:
1. Adopt **Resolution No. 10871** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Commercial to Urban Neighborhoods on a 1.27±-acre site.
2. Adopt **Ordinance No. 4317** approving a zoning district map amendment from Neighborhood Commercial (C-1) zoning to Multiple-Family Residential (R-5) zoning on a 1.27±-acre site.
Location: 8340 and 8350 E. McDonald Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

6. [2nd Street Bike Path Connection Project – Approved on Consent.](#)
Request: Adopt **Resolution No. 10863** authorizing the acquisition of a pedestrian access easement and temporary construction easements for the 2nd Street Bike Path Connection Project.
Location: North side of 2nd Street, between N. 75th Street to Indian Bend Wash
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
7. [Acquisition of Right-of-Way for 118th Street Construction Project – Approved on Consent.](#)
Request: Adopt **Resolution No. 10867** authorizing the acquisition of right-of-way for the 118th Street Construction Project.
Location: 118th Street from Pinnacle Vista Road to Rio Verde Drive
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
8. [Scottsdale Mall Outdoor Dining Revocable License Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10859** authorizing Agreement No. 2017-127-COS with 7353 Scottsdale Mall, LLC, for an outdoor dining patio on City property adjacent to AZ88 Restaurant.
Location: 7353 E. Scottsdale Mall
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
9. [Crosscut Canal Bridge and Path Construction Bid Award – Approved on Consent.](#)
Request: Adopt **Resolution No. 10806** authorizing Construction Bid Award No. 17PB030 with Visus Engineering Construction, Inc., the lowest responsive bidder, in the amount of \$588,000 for construction of the Crosscut Canal Bridge and Path improvements.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
10. [Granite Mountain and Fraesfield Trailheads Construction Project – Approved on Consent.](#)
Request: Adopt **Resolution No. 10847** authorizing CM@Risk Contract No. 2017-089-COS with Valley Rain Construction Corporation in the amount of \$27,100.55 for pre-construction services for the Granite Mountain and Fraesfield Trailheads Construction Project.
Location: West side of 136th Street at the intersection with the Lone Mountain Road alignment and the north side of Rio Verde Drive at roughly the 134th Street alignment
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
11. [Scottsdale Ranch Park Boys and Girls Club Ground Lease Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10886** terminating Contract Nos. 870366 and 870446, and authorizing amended and restated ground lease Agreement No. 2017-136-COS with the Virginia G. Piper Branch of the Boys and Girls Clubs of Greater Scottsdale, Inc., regarding the lease of certain space at Scottsdale Ranch Park.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
12. [Healthy Snacks for After School Program Grant – Approved on Consent.](#)
Request: Adopt **Resolution No. 10885** to authorize:
 1. Contract No. 2017-141-COS with the National Recreation and Parks Association to accept a \$25,000 FY 2017/18 Healthy Out-of-School Time Program Grant.
 2. The Community Services Director or designee to act as necessary to accept and administer the grant.
 3. A budget transfer in the amount of \$25,000 from the adopted FY 2017/18 Future Grants and/or Grants Contingency budget to a newly created operating cost center to record the related grant activities.**Staff Contact(s):** Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

13. **Fixed Route Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10893** authorizing Agreement No. 2014-054-COS-A5 with the City of Phoenix for the provision of fixed route transit service to increase the cost from \$1,816,019 to 1,901,260 in FY 2017/18.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
14. **Vision Service Plan Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10789** authorizing Contract No. 2017-067-COS with Vision Plan Insurance Company to extend the term of the current agreement for vision plan insurance.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
15. **Deferred Compensation Plan and Retirement Health Savings Plan Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10862** authorizing Contract No. 2017-129-COS with Nationwide Retirement Solutions, Inc., for the City's 457(b) Deferred Compensation Plan and Retirement Health Savings Plan.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
16. **Experience Scottsdale Destination Marketing Services Agreement**
Request: Adopt **Resolution No. 10895** authorizing Agreement 2017-079-COS with Scottsdale Convention and Visitors Bureau Inc., d/b/a Experience Scottsdale, for use of the Tourism Development Fund for the provision of destination marketing services.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
– Tourism and Events Director Karen Churchard presentation.
– Councilwoman Milhaven made a motion to adopt Resolution No. 10895 authorizing Agreement 2017-079-COS with Scottsdale Convention and Visitors Bureau, doing business as Experience Scottsdale. Councilmember Korte seconded the motion, which carried 7/0.
17. **Audit Committee Recommendation for the Tourism Development Commission Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 10857** accepting the Audit Committee's recommendation and authorizing the continuation of the Tourism Development Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
18. **City Auditor's Fiscal Year 2017/18 Audit Plan – Approved on Consent.**
Request: Approve the City Auditor's FY 2017/18 Audit Plan, as recommended by the Council's Audit Committee at its June 26, 2017, meeting.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
19. **Estes Landfill Water Quality Assurance Revolving Fund Registry Site Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10884** authorizing settlement in the amount of \$21,471.45 of the Estes Landfill Water Quality Assurance Revolving Fund (WQARF) Registry Site matter, Claim No. 010206-GL-001, in which the City was named a responsible party.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
20. **Indemnification of City Treasurer in Mark Stuart et al., v. City of Scottsdale et al., Federal District of Arizona Cause No. CV-17-01848-DJH – Approved on Consent.**
Request: Adopt **Resolution No. 10891** authorizing the City to defend and indemnify City Treasurer Jeff Nichols in the lawsuit entitled *Mark Stuart et al., v. City of Scottsdale et al.*, currently pending in the United States District Court, District of Arizona, Cause No. CV-17-01848-DJH.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

Public Comment – None

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CITIZEN PETITIONS

ITEM 21

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.

21. 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 22-23

22. Loss Trust Fund Board

Request: At the request of Councilman Smith, direct staff to review the Loss Trust Fund Board ordinance and to agendize a presentation, discussion, and possible direction to staff regarding potential updates to the ordinance, including suggestions for a new name that would be more indicative of the board's purpose, meeting and membership requirements, and the board's duties and responsibilities.

– Councilman Smith made a motion to direct staff to review the Loss Trust Fund Board ordinance and to agendize a presentation, discussion, and possible direction to staff regarding potential updates to the ordinance, including suggestions for a new name that would be more indicative of the board's purpose, meeting and membership requirements, and the board's duties and responsibilities. Councilwoman Littlefield seconded the motion, which carried 7/0.

Note: The only Council action to be taken on Item No. 22 is a decision on whether to agendize the referenced matter at a future Council meeting. No public comment will be taken at this time.

23. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for September 12, 2017)

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 (*two vacancies*) – **Councilwoman Littlefield nominated Larry Bernosky and John “Brad” Berry and Vice Mayor Klapp nominated Elizabeth Kaplan.**

Development Review Board (*two design vacancies, one development vacancy*) – **Councilwoman Milhaven nominated Doug Craig, William Scarbrough, and Joe Young; Vice Mayor Klapp nominated Peter Koliopoulos and Ted Luther; and Mayor Lane nominated Andrea Davis and Troy Hill.**

Industrial Development Authority (*one vacancy*) – **Vice Mayor Klapp nominated John Bradley.**

Library Board (*one vacancy*) – **Mayor Lane nominated Janet Smigielski, Councilmember Korte nominated Dana Rakinic, and Councilman Smith nominated Ruth Wachs.**

McDowell Sonoran Preserve Commission (*one vacancy*) – **Councilmember Korte nominated Jace McKeighan.**

Planning Commission (*one vacancy*) – **Councilman Phillips nominated Ali Fakh and Councilman Littlefield nominated Joanne Phillips.**

Tourism Development Commission (*one hotelier vacancy*) – **Councilwoman Littlefield nominated David Winter.**

Transportation Commission – Path and Trails Subcommittee (*one vacancy*) – **Councilman Smith nominated Jenna Warner.**

Note: The only Council action to be taken on Item No. 23 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

Adjournment – 7:33 P.M.