

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM NO. A1 AND CONSENT ITEM NOS. 17A AND 17B]

COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Tuesday, October 16, 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 (November 13, 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 – Councilwoman Milhaven

Invocation – Pastor Nick Johnson, Scottsdale Bible Church

Mayor's Report – Mayor Lane read a proclamation in honor of McDowell Sonoran Preserve Month.

Presentations/Information Updates – None

Public Comment – Dan Richards, Scottsdale Aquatic Club Board Chairman, expressed concern about the negative impact a "for profit" swim club is having on their nonprofit organization. Bobbie Patterson spoke about property rights, bicycle dumping, and parking near stop signs.

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**

Consent Item Nos. 17A and 17B were added to the agenda on October 11, 2018.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is November 13, 2018.

– Councilmember Korte made a motion to accept the agenda as presented. Councilman Smith 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.

MINUTES

Request: Approve the [Regular Meeting Minutes of September 25, 2018](#).

– Vice Mayor Phillips made a motion to approve the Regular Meeting Minutes of September 25, 2018. 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.

CONSENT AGENDA ITEMS 1-17B

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 Klapp made a motion to approve Consent Agenda Items 1 through 17B. Councilmember Korte 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. [Adeline Hotel Liquor License \(70-LL-2018\)](#) – 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 an existing location with a new owner.

Location: 5101 N. Scottsdale Road

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

2. [Permanent Extension of Premises for Green Bing Lomi Poki \(7-EX-2018\)](#) – 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 include a patio.

Location: 15577 N. Hayden Road, Suite C103

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

3. **[Reserve at Black Mountain Abandonment \(14-AB-2016\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11272** authorizing the abandonment of the following areas with Single-Family Residential District, Environmentally Sensitive Lands (R1-43/ESL) zoning:
 1. The western 20 feet of N. 83rd Street, adjacent to Parcel No. 216-34-268.
 2. The eastern 25 feet of N. 83rd Street, adjacent to Parcel Nos. 216-34-003M, 216-34-003N, and 216-34-003R.
 3. 40 feet of Old Paint Trail, including the cul-de-sac, adjacent to Parcel Nos. 216-34-268 and 216-34-269.**Location:** 34834 N. 83rd Street (northwest corner of the N. 84th Street alignment and E. Black Mountain Road)
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
4. **[Reserve at Black Mountain Final Plat \(1-PP-2017\)](#) – **Approved on Consent.**
Request: Approve the final plat for a new residential subdivision, comprised of 31 lots and NAOS tracts, including the building envelope plan and natural area open space plan on a 45±-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: 34834 N. 83rd Street (northwest corner of the N. 84th Street alignment and E. Black Mountain Road)
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
5. **[Portions of N. 71st Street Abandonment \(11-AB-2017\)](#) – **Approved on Consent.**
Request: Adopt **Resolution Nos. 11252** and **11273** authorizing the abandonment of two 33-foot General Land Office Patent Easements (GLOPE) and the underlying 20 feet of fee-simple street right-of-way located along N. 71st Street between Parcel Nos. 216-67-191 and 216-67-162, and the southern 13 feet of GLOPE located along the northern boundary of the two parcels with Single-Family Residential Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning.
Location: 7107 E. Lowden Drive (including the parcel immediately adjacent to the west)
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
6. **[Sereno Canyon Abandonment \(4-AB-2018\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11183** authorizing the abandonment of the northern 20 feet, the western 20 feet, and the southern 55 feet of public utility and roadway easement located along the boundaries of Parcel No. 217-01-011A with Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning.
Location: Northwest corner of the E. Pinnacle Peak Road alignment and N. 124th Street alignment
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
7. **[Canopy by Hilton-Oldtown Rezoning and Development Agreement \(21-ZN-2017#2 and 5-DA-2018#2\)](#) – **Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4369** approving a zoning district map amendment to amend the existing development plan, approved as part of Case No. 21-ZN-2017, to increase the allowed building height from 72 feet (inclusive of rooftop appurtenances) to 75 feet (inclusive of rooftop appurtenances) for property located at 7142 E. 1st Street with Downtown/Downtown Multiple-Use, Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) zoning.
 2. Adopt **Resolution No. 11276** declaring the document titled “*Amendment to Canopy by Hilton Development Plan*” to be a public record.
 3. Adopt **Resolution No. 11277** authorizing Development Agreement No. 2018-080-COS-A1 with ARC Scottsdale Holdings, LLLP.**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

8. **Don & Charlie's Hotel Rezoning, Infill Incentive District, Development Agreement, and Abandonment (2-ZN-2018, 1-II-2018, 9-DA-2018, and 7-AB-2018) – Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4366** approving a zoning district map amendment from Highway Commercial, Downtown Overlay (C-3 DO) to Downtown/Downtown Multiple Use, Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) zoning with an infill incentive district, development plan, and a 37% parking reduction on a 0.92±-acre parcel located at 7501 E. Camelback Road.
2. Adopt **Resolution No. 11271** authorizing the abandonment of a 2,473± square-foot portion of public street right-of-way at the northwest corner of the intersection of N. 75th Street and E. Indian Plaza, adjacent to a site located at 7501 E. Camelback Road, with Highway Commercial, Downtown Overlay (C-3 DO) zoning.
3. Adopt **Resolution No. 11269** declaring the document titled “*Don & Charlie's Hotel Development Plan*” to be a public record.
4. Adopt **Resolution No. 11270** authorizing Development Agreement No. 2018-168-COS with D.V.D.E. Partners, LLC.

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

9. **Earl 6 Rezoning (3-ZN-2018) – Approved on Consent.**

Request: Adopt **Ordinance No. 4367** approving a zoning district map amendment from Single-Family Residential (R1-7) to Medium Density Residential (R-3) zoning on a 0.48±-acre site.

Location: 3107 N. 70th Street

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

10. **Engineering Services Contracts for Storm Water Projects – Approved on Consent.**

Request: Adopt **Resolution No. 11256** authorizing the following on-call engineering services one-year contract extensions for studies, design, construction documents, and construction administration for storm water projects throughout the City, as needed:

1. Contract No. 2014-141-COS-A3 with Gavan & Barker, Inc.
2. Contract No. 2014-142-COS-A3 with Olsson Associates

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

11. **Reconveyance of Property and Easement Agreements – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 11266** authorizing the reconveyance of property to McDowell 64, LLC; McDowell 6500, LLC; McDowell 6620, LLC; and The Car Collection, LLC, originally dedicated to the City in 2006 through a public right-of-way dedication deed in connection with the Crosscut Canal Multi-Use Path Project at McDowell Road and the Salt River Project Canal right-of-way.
2. Adopt **Resolution No. 11267** authorizing the following easement agreements with McDowell 64, LLC; McDowell 6500, LLC; McDowell 6620, LLC; and The Car Collection, LLC:
 - a. Sidewalk Easement Agreement No. 2018-165-COS
 - b. North Parcel Easement Agreement No. 2018-166-COS
 - c. Drainage Easement Agreement No. 2018-167-COS

Location: West side of the Salt River Project Canal from Granada Road on the north and to the right-of-way at McDowell Road on the south.

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

12. **Loloma Lands Purchase and Sale Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 11231** authorizing Agreement No. 2018-029-COS-A1, the first amendment to the agreement with ARC Scottsdale Holdings, LLLP, regarding the acquisition of real property owned by the City near N. Goldwater Boulevard and N. Marshall Way.

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

13. **McCormick Ranch Maintenance and Reimbursement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11275** authorizing Agreement No. 2018-170-COS with the McCormick Ranch Property Owners' Association, Inc., in the amount of \$131,871.39 per year for the maintenance and reimbursement of certain areas within McCormick Ranch.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
14. **HOME Investment Partnership Program Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11258** authorizing Agreement No. 2018-039-COS-A1, the first amendment to the agreement with Maricopa County, on behalf of the Maricopa HOME Consortium, to receive FY 2017/18 Federal HOME Investment Partnership funds in the amount of \$219,039.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
15. **Urban Area Security Initiative CBRNE Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11254** to authorize:
1. Acceptance of the 2018 Arizona Department of Homeland Security Urban Area Security Initiative CBRNE grant in the amount of \$38,168.
 2. The Chief of Police, or designee, to execute any necessary documents or instruments in connection with the acceptance of the grant.
 3. A budget transfer in the amount of \$38,168 from the FY 2018/19 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
16. **DUI Enforcement and Education Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11268** to authorize:
1. Acceptance of the 2019 DUI Impaired Enforcement grant from the Arizona Governor's Office of Highway Safety in the amount of \$100,000 for overtime costs related to DUI enforcement and education.
 2. The Chief of Police, or designee, to execute any necessary documents or instruments in connection with the acceptance of the grant.
 3. A budget transfer in the amount of \$100,000 from the FY 2018/19 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
17. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2018/19 Monthly Financial Report as of August 2018.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
- ***17A. **Drinkwater Bridge Structural Repairs Budget Transfers and Construction Services Contract – Approved on Consent.**
Requests:
1. Adopt **Resolution No. 11280** authoring the following FY 2018/19 budget transfers totaling \$8,570,000 to CIP Project TE03 – Drinkwater Bridge Interim Structural Repairs:
 - a. \$495,000 budget appropriation transfer from CIP Project BD02 – Street Operations North Storage Facility funded by the Transportation Sales Tax.
 - b. \$200,000 budget appropriation transfer from CIP Project YF20 – Sidewalk Improvements funded by the Transportation Sales Tax.

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(Item No. 17A continued from the previous page)

- c. \$360,000 budget appropriation transfer from CIP Project TB50 – Mustang Transit Passenger Facility funded by Bond 2000 proceeds.
 - d. \$200,000 budget appropriation transfer from the adopted General Fund Capital Contingency Budget to be funded by Bond 2000 interest earnings.
 - e. \$3,715,000 budget appropriation transfer from the adopted General Fund Capital Contingency Budget to be funded by the General Fund CIP.
 - f. \$1,200,000 budget appropriation transfer from additional available budget appropriation in the adopted FY 2018/19 CIP to be funded by the FY 2018/19 Operating Transportation Fund undesignated, unreserved fund balance.
 - g. \$2,400,000 budget appropriation transfer from additional available budget appropriation in the adopted FY 2018/19 CIP to be funded by Transportation Sales Tax, which was earmarked for CIP Project TEMP2006 – Paving Unpaved Roads in FY 2021/22.
2. Adopt **Resolution No. 11281** authorizing CM@Risk Contract No. 2018-175-COS with Haydon Building Corporation in the amount of \$5,476,452.79 to provide Phase 2 construction services for the Drinkwater Bridge Interim Structural Repairs project.

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

*****17B. 68th Street Bridge Reconstruction Budget Transfers and Construction Services Contract – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 11289** authorizing the following FY 2018/19 budget transfers totaling \$4,650,000 to CIP Project TE05 – 68th Street Bridge Reconstruction over the Arizona Canal:
 - a. \$200,000 budget appropriation transfer from CIP Project SB50 – Frank Lloyd Wright: Scottsdale Road to Shea Boulevard funded by the Transportation Sales Tax.
 - b. \$1,233,000 budget appropriation transfer from CIP Project SB54 – Southbound Loop 101 Frontage Road Connections funded by the Transportation Sales Tax.
 - c. \$500,000 budget appropriation transfer from CIP Project TB50 – Mustang Transit Passenger Facility funded by the Transportation Sales Tax.
 - d. \$390,000 budget appropriation transfer from CIP Project TC02 – WestWorld Trail Connections funded by the Transportation Sales Tax.
 - e. \$110,000 budget appropriation transfer from CIP Project YD28 – Bikeways Program funded by the Transportation Sales Tax.
 - f. \$290,000 budget appropriation transfer from CIP Project YF28 – Bikeways Program funded by the Transportation Sales Tax.
 - g. \$100,000 budget appropriation transfer from CIP Project YE18 – Trail Improvement Program funded by the Transportation Sales Tax.
 - h. \$200,000 budget appropriation transfer from CIP Project YF18 – Trail Improvement Program funded by the Transportation Sales Tax.
 - i. \$900,000 budget appropriation transfer from CIP Project YF19 – Roadway Capacity and Safety Improvements funded by the Transportation Sales Tax.
 - j. \$300,000 budget appropriation transfer from CIP Project YE21 – Neighborhood Traffic Management Program funded by the Transportation Sales Tax.
 - k. \$100,000 budget appropriation transfer from CIP Project YE30 – Streetlight Replacement funded by the Transportation Sales Tax.
 - l. \$327,000 budget appropriation transfer from additional available budget appropriation in the adopted FY 2018/19 CIP to be funded by the Transportation Sales Tax, which was earmarked for CIP Project YE30 – Streetlight Replacement. The appropriations to be utilized are \$200,000 as forecast in FY 2019/20 and \$127,000 of the \$200,000 forecast in FY 2020/21.
2. Adopt **Resolution No. 11260** authorizing CM@Risk Contract No. 2018-163-COS with FNF Construction, Inc., in the amount of \$3,433,403.84 to provide construction phase services for the 68th Street Bridge Reconstruction over the Arizona Canal project.

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

REGULAR AGENDA **ITEM 18**

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.**

18. Monthly Financial Update

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

Presenter(s): Jeff Nichols, City Treasurer

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

– Presentations from City Treasurer Jeff Nichols and City Engineer Dave Lipinski.

Public Comment – None

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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 19**

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.

19. **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

Adjournment – 6:08 P.M.