### **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 22, 2020

Until further notice, Council meetings will be held electronically. While physical facilities are not open to the public, City Council meetings are televised on Cox Cable Channel 11 and streamed online at <a href="ScottsdaleAZ.gov">ScottsdaleAZ.gov</a> (search "live stream") to allow the public to listen/view the meeting in progress. Only written comments submitted electronically at least one hour prior to the meeting are being accepted. A written public comment may be submitted electronically by clicking on the "click here to submit a written comment on an item" link located at the top of each page of the agenda. 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 (October 6, 2020).

5:00 P.M.

MARKED AGENDA

### CITY COUNCIL MEETING

Meeting will be held electronically.

Call to Order - 5:00 P.M.

Roll Call - All present.

One or more members of the Council may be attending the Council Meeting by telephone, video, or Internet conferencing, pursuant to A.R.S. § 38-431(4).

Mayor's Report – Mayor Lane commented on the proclamation that rescinded the City's Emergency Declaration related to face masks and noted that Maricopa County orders are still in effect.

City Manager's Report – COVID 19 Pandemic Response Update – City Manager Jim Thompson presentation and video.

• City Manager Jim Thompson and staff will provide a brief update on the City's response to the COVID-19 pandemic.

Presentations/Information Updates – Mayor Lane announced the appointment of Judge Suzanne Marwil to the Judicial Appointments Advisory Board.

Announcement of Appointment to Judicial Appointments Advisory Board
 Mayor Lane will announce the Arizona Supreme Court's appointment of Judge Suzanne Marwil as a
 member of the Judicial Appointments Advisory Board to serve a three-year term beginning October 1,
 2020, and ending September 30, 2023, as stated in Arizona Supreme Court Administrative Order No.
 2020-136.

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 <u>Special Meeting Minutes of August 24, 2020</u>; <u>Regular Meeting Minutes of August 24, 2020</u>, and <u>August 25, 2020</u>; <u>Work Study Session Minutes of August 25, 2020</u>; and Executive Session Minutes of August 24, 2020.

- Councilman Phillips made a motion to approve the Special Meeting Minutes of August 24, 2020; Regular Meeting Minutes of August 24, 2020, and August 25, 2020; Work Study Session Minutes of August 25, 2020; and Executive Session Minutes of August 24, 2020. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.

## 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. Items <u>not</u> 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 20, absent Items 16 and 18, which were moved to the Regular Agenda. Councilman Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Whitehead; and Councilmember Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.

1. <u>Sip Coffee & Brew House Liquor License (65-LL-2020)</u> – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval 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:** 3617 N. Goldwater Boulevard

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

2. <u>Alma Liquor License (70-LL-2020)</u> – 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: 7001 N. Scottsdale Road, Suite 147

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

3. Arizona Canal Banks Land Use License Agreement – Approved on Consent.

Request: Adopt Resolution No. 11871 authorizing Agreement No. 2020-114-COS with the Salt River Project Agricultural Improvement and Power District for the continued recreational use of the Arizona Canal Banks located between Scottsdale Road and Goldwater Boulevard.

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

4. Aquifer Storage and Recovery Wells Project Construction Phase Services Contract – Approved on Consent.

**Request:** Adopt **Resolution No. 11875** authorizing CM@Risk Contract No. 2020-136-COS with MGC Contractors, Inc., in an amount not to exceed \$1,471,172.09, for the construction (drilling) of the City of Scottsdale's Aquifer Storage and Recovery Well 54.

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

5. <u>WestWorld Drainage Study Budget Transfer</u> – Approved on Consent.

Request: Adopt Resolution No. 11932 authorizing a FY 2020/21 General Fund Capital Contingency Budget transfer in the amount of \$40,000 to a newly created Capital Improvement Project to be titled "WestWorld Drainage Study" and funded by the Stormwater In-Lieu Fees Fund.

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

6. Fiscal Year 2020/21 Mid-Year CIP Budget Adjustments – Approved on Consent Agenda.
Request: Adopt Resolution No. 11911 authorizing FY 2020/21 budget adjustments related to the Capital Improvement Plan.

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

7. <u>Community Development Block Grant Coronavirus Fiscal Year 2020/21 Allocations</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11892** to authorize:

- Amending the FY 2019/20 Annual Action Plan to receive Community Development Block Grant Coronavirus (CDBG-CV) funds and authorizing the City Manager, or designee, to execute appropriate certifications, submit the Substantial Amendment to HUD, and to allocate CDBG-CV funds to prepare for, prevent, and respond to Coronavirus.
- 2. A FY 2020/21 budget transfer for the grant award in the amount of \$709,218 from the adopted FY 2020/21 Grant Contingency and/or the Future Grants Budget to the newly created cost center to record the related grant activity.

Staff Contact(s): Bill Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsadaleaz.gov

8. <u>Housing Choice Voucher Program CARES Act Awards</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11942** to authorize:

- 1. Acceptance of U.S. Housing and Urban Development administrative fee funding awards under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in the amounts of \$88,414 and \$107,196 for a total of \$195,610.
- A FY 2020/21 budget transfer equal to each grant award amount from the adopted FY 2020/21
  Grant Contingency and/or the Future Grants Budget to the newly created cost centers to record
  the related grant activity.

Staff Contact(s): Bill Murphy, Assistant City Manager, 480-312-7954, bmurphy@scottsadaleaz.gov

9. <u>Housing Choice Voucher Program Fiscal Year 2020/21 Annual Agency Plan</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11876** authorizing the submission of the Scottsdale Housing Agency FY 2020/21 Public Housing Agency Streamlined Annual Plan for the Housing Choice Voucher Program to the U.S. Department of Housing and Urban Development.

Staff Contact(s): Bill Murphy, Assistant City Manager, 480-312-7954, <a href="mailto:bmurphy@scottsadaleaz.gov">bmurphy@scottsadaleaz.gov</a>

10. Transit Regional Support Services Intergovernmental Agreement – Approved on Consent. Request: Adopt Resolution No. 11888 authorizing Agreement No. 2020-141-COS with the City of Phoenix for Transit Regional Support Services for the City of Scottsdale's 21 trolley buses in an estimated amount of \$81,000 annually, effective July 1, 2020, through June 30, 2040. Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

11. <u>Police Sworn and Detention Basic Training Academy Intergovernmental Agreement</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11914** authorizing Agreement No. 2020-151-COS with Maricopa County regarding the Maricopa County Sheriff's Office Sworn and Detention Basic Training Academy. **Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, <a href="mailto:arodbell@scottsdale.gov">arodbell@scottsdale.gov</a>

12. <u>Forensic Laboratory Services Intergovernmental Agreement</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11904** authorizing Agreement No. 2020-149-COS with Salt River Pima-Maricopa Indian Community (SRPMIC) allowing the Scottsdale Police Department to provide forensic laboratory services to the SRPMIC Police Department for \$203,937 per year; for the term of October 1, 2020, to September 30, 2024.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdale.gov

- 13. <u>DUI Impaired Driving Enforcement and Education Grant</u> Approved on Consent. Request: Adopt Resolution No. 11927 to authorize:
  - The acceptance of a grant from the Arizona Governor's Office of Highway Safety in the amount of \$129,600 to reimburse the City for equipment and overtime costs related to DUI impaired driving enforcement and education.
  - The Chief of Police, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant.
  - 3. A budget transfer in the amount of \$129,600 from the FY 2020/21 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

14. Bicycle and Pedestrian Safety Education Grant – Approved on Consent.

**Request:** Adopt **Resolution No. 11928** to authorize:

- 1. The acceptance of a grant from the Arizona Governor's Office of Highway Safety in the amount of \$50,000 for overtime costs related to bicycle and pedestrian safety education and enforcement.
- 2. The Chief of Police, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant.
- 3. A budget transfer in the amount of \$50,000 from the FY 2020/21 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

15. <u>Aggressive Driving Education and Enforcement Grant</u> – Approved on Consent.

**Reguest:** Adopt **Resolution No. 11929** to authorize:

- 1. The acceptance of a grant from the Arizona Governor's Office of Highway Safety in the amount of \$60,000 for overtime costs related to aggressive driving education and enforcement.
- The Chief of Police, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant.
- 3. A budget transfer in the amount of \$60,000 from the FY 2020/21 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

16. <u>Barrett-Jackson Fall Auction</u> – Councilwoman Klapp made a motion to adopt Resolution No. 11921. Councilman Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.

**Request:** Adopt **Resolution No. 11921** to authorize:

- 1. A FY 2020/21 Tourism Development Fund Operating Contingency transfer in the amount of \$75,000 to the Tourism and Events Department Operating Budget.
- 2. One-year Event Funding Agreement No. 2020-163-COS with Barrett-Jackson Auction Company, LLC, in a total amount of up to \$75,000 for the Barrett-Jackson Fall Auction.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

### 17. <u>Stop Loss Insurance Contract</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11916** authorizing Contract No. 2020-153-COS with Cigna Health and Life Insurance Company for specific stop-loss insurance coverage for an estimated annual premium of \$800,000 paid from the Healthcare Self Insurance Fund.

**Staff Contact(s):** Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov

18. <u>Transportation Master Plan Amendments</u> – Councilwoman Littlefield made a motion to adopt Resolution No. 11925. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.

**Request:** Adopt **Resolution No. 11925** to authorize the following amendments to the Street Classification maps of the Transportation Master Plan:

- 1. Reclassify Lincoln Drive, west of Scottsdale Road, to a minor arterial from its current classification as a minor collector.
- 2. Reclassify Hayden Road, between the Mayo Boulevard alignment and Legacy Boulevard, to a major arterial from its current classification as a minor arterial.
- 3. Extend Hualapai Drive from the Hayden Road/Legacy Boulevard Intersection to Pima Road and classify the entire one-mile corridor as a minor arterial.
- 4. Remove the portion of Legacy Boulevard alignment through the Scottsdale Water Campus from the Transportation Master Plan.
- 5. Reclassify Pima Road, between Happy Valley Road and Dynamite Boulevard, to a minor arterial from its current classification as a major arterial.
- 6. Clarify that Pima Road, between Legend Trail Parkway/Westland Drive and Stagecoach Pass Road, will be constructed with four travel lanes and bike lanes rather than with two travel lanes and wide bike lanes.
- 7. Reclassify 124<sup>th</sup> Street, between Via Linda and Cactus Road, to a minor collector from its current classification as a major collector.
- 8. Reclassify Indian School Road, between 60<sup>th</sup> Street and Goldwater Boulevard, to a minor arterial from its current classification as a major arterial.

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

# 19. <u>Audit Committee Recommendation for the Parks and Recreation Commission Sunset Review</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 11923** accepting the Audit Committee's recommendation and authorizing the continuation of the Parks and Recreation Commission.

Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, <a href="mailto:swalker@scottsdaleaz.gov">swalker@scottsdaleaz.gov</a>

### 20. <u>Monthly Financial Report</u> – Approved on Consent.

**Request:** Accept the FY 2020/21 Monthly Financial Report as of July 2020. **Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

## Regular Agenda begins on the following page

## REGULAR AGENDA ITEMS 21-22

**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda.

# 21. Scottsdale and Dixileta Rezoning and Abandonment (15-ZN-2019 and 2-AB-2020) Requests:

- 1. Adopt **Ordinance No. 4466** authorizing a zoning district Map amendment from Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning to Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-43 ESL FO) zoning on a 17.52 ±-acre site.
- Adopt Resolution No. 11901 authorizing the abandonment of certain 33-foot General Land Office Patent (GLO) easement segments and the east 13-feet of the 33-foot GLO easement running along N. 71<sup>st</sup> Street, all within a 17.52 ±-acre site.

Presenter(s): Jeff Barnes, Senior Planner

Location: Northwest corner of N. Scottsdale Road and Dixileta Drive

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

- Presentations by Senior Planner Jeff Barnes and Applicant Representative John Berry.
- Councilmember Korte made a motion to adopt Ordinance No. 4466 and Resolution No. 11901. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Whitehead; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Phillips voting in the affirmative.

### 22. Medical Marijuana Hours of Operation Text Amendment (1-TA-2020)

**Request:** Adopt **Ordinance No. 4463** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 for the purpose of amending Sections 1.403.M.1.g and 1.403.M.2.g to change the allowed hours of operation for medical marijuana uses from 6:00 a.m. to 7:00 p.m., to 6:00 a.m. to 10:00 p.m.

Presenter(s): Greg Bloemberg, Senior Planner

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

- Presentations by Senior Planner Greg Bloemberg and Applicant Representative Lauren Niehaus.
- Councilmember Korte made a motion to adopt Ordinance No. 4463. Councilwoman Klapp seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Klapp, Korte, and Phillips voting in the affirmative, and Vice Mayor Whitehead and Councilmembers Littlefield and Milhaven dissenting.

## MAYOR AND COUNCIL ITEM 23

- Councilwoman Milhaven made a motion that staff bring forward an ordinance at the next meeting that would extend the mask mandate until rescinded by a majority of the City Council; and, at that same meeting, review the guidelines put out by the State and County so that we can understand what the impacts are on individual businesses, understanding that their guidelines would supersede anything that we have, and addressing any unique needs of any particular business segment. Vice Mayor Whitehead seconded the motion, which failed 3/4, with Vice Mayor Whitehead and Councilmembers Milhaven, and Korte voting in the affirmative, and Mayor Lane and Councilmembers Klapp, Littlefield, and Phillips dissenting.

- Vice Mayor Whitehead made a motion to request a work study session item where staff provides information to the Council on what is in place at the State and County levels, what is covered, and provides additional data that would make the Council qualified to answer questions from residents. Councilwoman Milhaven seconded the motion, which carried 4/3, with Vice Mayor Whitehead and Councilmembers Korte, Littlefield, and Milhaven voting in the affirmative, and Mayor Lane and Councilmembers Klapp and Phillips dissenting.
- 23. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for October 20, 2020)

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.

Building Advisory Board of Appeals (*three vacancies*) – Councilwoman Klapp nominated Randall Lukas.

Historic Preservation Commission (*one vacancy*) – Councilwoman Milhaven nominated Larry Edmonds.

Human Services Commission (*two vacancies*) – Vice Mayor Whitehead nominated Cambria Bowman and Fadumo Malow and Councilman Phillips nominated James Campbell. Library Board (*two vacancies*) – Councilwoman Littlefield nominated Brian Kelley and Fred Klein and Councilman Phillips nominated Sam Campana.

Loss Trust Fund Board (one vacancy) – Councilman Phillips nominated Brandon Perlow.

Parks and Recreation Commission (one vacancy) – Councilmember Korte nominated Ronald Lehman.

Paths and Trails Subcommittee (one non-commission member vacancy) – Mayor Lane nominated Ted Levie, Councilman Phillips nominated Carl Stein, and Councilmember Korte nominated Nicholas Mazur.

Transportation Commission (*three vacancies*) – Councilwoman Klapp nominated Michael Kuzel and Andy Yates, Vice Mayor Whitehead nominated Karen Kowal and Donald Pochowski, and Councilmember Korte nominated Jay Rosenthal.

Note: The only Council action to be taken on Item No. 23 is to select nominees for appointment consideration at a future Council meeting.

Adjourn the City Council Regular Meeting and Convene the City Council Work Study Session – 7:06 P.M.

### CITY COUNCIL WORK STUDY SESSION

**Work Study Sessions:** Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

### 1. Monthly Financial Update

**Request:** Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of August 2020.

Presenter(s): Jeff Nichols, City Treasurer

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

- City Treasurer Jeff Nichols presentation.

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### 2. Monthly Financial Study Session

**Request:** Presentation, discussion and possible Council direction regarding the monitoring of FY 2020/21 revenues and expenditures.

Presenter(s): Jim Thompson, City Manager

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

- City Manager Jim Thompson presentation.

### 3. <u>5G Wireless</u>

**Request:** Presentation, discussion and possible direction to staff regarding the implementation, process and framework for locating small wireless facilities within the City.

Presenter(s): Keith Niederer, Telecom Policy Coordinator

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

- Telecom Policy Coordinator Keith Niederer presentation.

Adjournment - 7:47 P.M.