

SCOTTSDALE

CITY COUNCIL MEETING

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

[REWORDED ITEM No. 18]



COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, October 17, 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 (November 13, 2017).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:09 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 – Daughters of the American Revolution, Grand Canyon Chapter

Invocation – Mayor Lane asked for a moment of silence for the victims of the California wildfires and the Puerto Rico hurricanes.

Mayor's Report – Mayor Lane noted the passing of retired Scottsdale Crisis Intervention K9 Officer Fozzie. Mayor Lane read a proclamation in honor of McDowell Sonoran Preserve Month.

Presentations/Information Updates – None

Public Comment – Christie Kinchen spoke about Desert Edge and the McDowell Sonoran Conservancy. Ralph Foley withdrew his request to speak because the item he wanted the Council to consider was already on the Consent Agenda (Item 4). Paula Rudnick expressed concern about Desert Edge. Jason Alexander commented on personal comments made about "those opposed to the DDC." Councilwoman Milhaven responded to comments made during public comment. Emily Austin spoke about respectful dialogue.

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.

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

A1. Added Items

The supporting materials for Item No. 18 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or continue the added item(s) to the November 13, 2017 Council meeting.

MINUTES

Request: Approve the [Work Study Session Minutes of September 26, 2017](#).

– Vice Mayor Korte made a motion to approve the Work Study Session Minutes of September 26, 2017. Councilman Phillips seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-17

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.

– Vice Mayor Korte made a motion to approve Consent Agenda Items 1 through 17. Councilman Smith seconded the motion, which carried 7/0.

- [Yo Paulys New York Pizza Liquor License \(75-LL-2017\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 7 (beer and wine bar) State liquor license for an existing location with a new owner.
Location: 8880 E. Via Linda, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [The Clayton House Liquor License \(76-LL-2017\) – 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: 3719 N. 75th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Bellissima Estates Final Plat \(4-PP-2016\) – Approved on Consent.](#)**
Request: Approve the final plat for a six-lot subdivision on a 6.5±-acre site with Single-family Residential (R1-35) zoning.
Location: 9830 E. Jenan Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

4. **Pima Park Municipal Use Master Site Plan (8-UP-2017) and Conditional Use Permit – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10920** approving a Municipal Use Master Site Plan amendment and a Conditional Use Permit amendment to accommodate the future expansion of the existing Pima Park and Thomas Groundwater Treatment Facility on a 11.9±-acre site, with Open Space (OS), Industrial Park (I-1), and Single-Family Residential (R1-5) zoning.
Location: Northeast corner of 86th Street and E. Thomas Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
5. **Airport Planning Professional Services Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10897** authorizing Agreement No. 2017-140-COS with Coffman Associates, Inc., for professional airport planning services.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
6. **Airport Taxiway “A” Reconstruction Project Bid Award – Approved on Consent.**
Request: Adopt **Resolution No. 10865** to:
 1. Authorize Construction Bid Award 17PB033 with J. Banicki Construction, Inc., in the amount of \$3,841,496.50 for the Taxiway “A” Reconstruction Project.
 2. Authorize a FY2017/18 Airport Future Grants Contingency Budget appropriation transfer in the amount of \$400,000 to existing Aviation Capital Project No. AB60 “Reconstruct Taxiway ‘A’ and Exits”, which is to be funded by grant funds (\$382,120) and Aviation funds (\$17,880).**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
7. **On-Call Engineering Services Contract Modification for Water and Water Reclamation Facilities – Approved on Consent.**
Request: Adopt **Resolution No. 10904** authorizing Contract No. 2016-142-COS-A1 with Hazen and Sawyer, P.C., to provide process control related professional services for water and water reclamation treatment facilities.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
8. **Transit Service Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10925** authorizing Agreement No. 2013-047-COS-A6 with the Regional Public Transit Authority to decrease the contract amount from \$333,705 to \$288,051 for the provision of FY2017/18 transit services.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
9. **Wildlife Study Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10848** authorizing Wildlife Study Agreement No. 2014-010-COS-A1 with the Arizona Game and Fish Department to secure the assistance and expertise of the Department in performing studies that will assist with the management of wildlife populations and their habitats within Scottsdale’s McDowell Sonoran Preserve.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov; Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov
10. **One Stop Career Center Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10924** authorizing Agreement No. 2015-134-COS-A1 with the Maricopa County Human Services Department to extend the operation of the Vista del Camino One Stop Career Center for an additional two years.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

11. **Scottsdale Museum of the West Management Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 10927** to authorize:
 1. Agreement No. 2013-025-COS-A5 with Scottsdale Museum of the West, Inc., requiring that the Museum conduct education programs in Western heritage.
 2. A FY2017/18 Tourism Development Fund operating contingency budget transfer in the amount of \$500,000 to the Tourism and Events Department operating budget.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

12. **Off Road Expo Event Funding Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10926** to authorize:
 1. Funding not to exceed \$75,000 from the portion of the FY2017/18 Tourism Development Fund that is allocated toward event retention and development for the Off Road Expo.
 2. Event Funding Agreement No. 2017-155-COS with the Promotion Company, Inc., a division of Bonnier Group.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

13. **Audit Committee Recommendation for the Parks and Recreation Commission Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 10922** accepting the Audit Committee's recommendation and authorizing continuation of the Parks and Recreation Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

14. **Fire and Streets General Obligation Bonds Issuance – Approved on Consent.**
Request: Adopt **Resolution No. 10914** authorizing the issuance and sale of not-to-exceed \$28,850,000 principal amount of General Obligation bonds authorized at the City's November 2015 election; providing for the annual levy of a tax for the payment of the bonds; providing the terms concerning the bonds; providing the terms concerning the bonds; authorizing the City Treasurer to prepare a notice inviting bids and award the sale of the bonds to the lowest responsible bidder or to enter into a bond purchase agreement with an underwriter; providing for the disposition of the proceeds of the bonds; approving the form and authorizing the execution of an agreement for the services of a bond registrar, transfer agent, and paying agent; approving the form of certain documents, and authorizing completion, execution and delivery thereof; delegating the authority to approve and deem final a form of official statement; and ratifying all actions to be taken with respect to the bonds.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

15. **Legal Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10928** authorizing legal fees to be incurred in Contract No. 2015-023-COS with the law firm of Dickinson Wright PLLC, in an amount not to exceed a total of \$125,000 for the defense of *Stuart et al. v. City of Scottsdale et al.*, Case No.2:17-cv-01848-DJH, currently pending in the United States District Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

16. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2017/18 Monthly Financial Report as of July 2017.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

17. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2017/18 Monthly Financial Report as of August 2017.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 18-19**

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.** **Council Capital Improvement Plan Subcommittee Update and Recommendations**

Requests:

1. Presentation, discussion, and possible direction to staff regarding the Capital Improvement Plan Subcommittee Update to City Council.
2. Adopt **Resolution 10931** authorizing a FY 2017/18 General Fund Capital Contingency Budget appropriation transfer totaling \$2,000,000 to a newly created CIP project titled Rawhide Wash Flood Control COS Contribution to be funded by the FY 2017/18 General Fund operating undesignated, unreserved fund balance.
3. Adopt **Resolution 10932** authorizing a FY 2017/18 General Fund Capital Contingency Budget appropriation transfer totaling \$1,000,000 to the Reata Wash Flood Control Project to be funded by the FY 2017/18 General Fund operating undesignated, unreserved fund balance.
4. Adopt **Resolution 10933** authorizing a FY 2017/18 General Fund Reserve appropriation only budget transfer totaling \$2,977,728 to a newly created CIP project titled Happy Valley Road, Pima Road to Alma School Road, to be funded by the FY 2017/18 Transportation Fund undesignated, unreserved fund balance.
5. Adopt **Resolution 10934** modifying the budget of the existing CIP project, Pima Road, Pinnacle Peak to Happy Valley, to show the current Arterial Life Cycle Program funding as approved by the Maricopa Association of Governments on June 22, 2017; and authorizing a FY 2017/18 General Fund Reserve appropriation only budget transfer totaling \$4,395,285 to be funded by the FY 2017/18 Transportation Fund undesignated, unreserved fund balance.
6. Adopt **Resolution 10944** redefining the scope of work for the Renovate Vista del Camino Park / Indian Bend Wash Area Project (PD05) to include master planning the Indian Bend Wash Area from McKellips Road to Thomas Road and the design and construction of an interim solution for the leaking drainage structure north of McKellips Road.

Presenter(s): Dan Worth, Public Works Director

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

– City Treasurer Jeff Nichols and Public Works Director Dan Worth presentations.

– Vice Mayor Korte made a motion to adopt Resolution No. 10931, Resolution No. 10932, Resolution No. 10933, Resolution No. 10934, and Resolution No. 10944. Councilman Smith seconded the motion, which carried 6/1, with Councilwoman Littlefield dissenting.

– Councilwoman Littlefield made an alternate motion to take a vote on Resolution No. 10931 and Resolution No. 10932 and a separate vote on Resolution No. 10933, Resolution No. 10934, and Resolution No. 10944. The motion died for lack of a second.

19. **Monthly Financial Update**

Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of September 2017.

Presenter(s): Jeff Nichols, City Treasurer

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

– City Treasurer Jeff Nichols presentation.

Public Comment – Janet Leopold expressed concern about Desert Edge and Arizona State University.

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CITIZEN PETITIONS

ITEM 20

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.

20. 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 – 6:34 P.M.