

SCOTTSDALE

CITY COUNCIL MEETING

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

[ADDED MAYOR AND COUNCIL ITEM No. 10]



COUNCIL

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

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, January 8, 2019

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 (January 15, 2019).

4:00 P.M.

MARKED AGENDA

COUNCIL INAUGURATION

Call to Order – 4:05 P.M.

Introduction – Mayor W.J. "Jim" Lane

Oath of Office – Incoming City Councilmembers Kathy Littlefield, Linda Milhaven, and Solange Whitehead, administered by City Clerk Carolyn Jagger

Remarks – Mayor W.J. "Jim" Lane; members of the City Council

Adjourn – 4:16 P.M.

5:00 P.M.

REGULAR CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 Whitehead

Invocation – Chaplain Mark Yule, Scottsdale Fire Department



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

Mayor's Report – Mayor Lane highlighted some of Scottsdale's season special events, including the Barrett-Jackson Auto Auction, Waste Management Phoenix Open, Scottsdale Arabian Horse Show, Parada del Sol and Trails Ends Festival, and Cactus League Spring Training.

Presentations/Information

- **American Heart Association – American Heart Association Representative Alissa McKersie presentation.**
Presenter(s): Alissa McKersie, American Heart Association
- **APS Peak Solutions Rebate – Presentation of APS Peak Solutions Rebate by Itron Representative Joel Fisher; Arizona Public Service Representative Tammy Tepper-Cunningham; and Pinnaclewest Representative Kathleen Predergast.**
Presenter(s): Brian Biesemeyer, Water Resources Director; Joel Fisher, Itron; Tammy Tepper-Cunningham, Arizona Public Service; Kathleen Prendergast, Pinnaclewest

Public Comment – Richard McCaughan spoke in support of light rail. Pat Shaler commented on the City's Neptune Swimming Foundation citizen petition report. Alex McLaren reported on equipment replacement at Osborn Park. Sandy Schenkat advocated for campaign contribution limits. Sonnie Kirtley commented on the publication covers for Scottsdale Life, Sunday A'Fair, and the Scottsdale Visitor Guide.

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."**

MINUTES

Request: Approve the [Special Meeting Minutes of November 26, 2018](#); and [Regular Meeting Minutes of November 26, 2018, December 11, 2018, and December 12, 2018](#).

– Vice Mayor Phillips made a motion to approve the Special Meeting Minutes of November 26, 2018; and Regular Meeting Minutes of November 26, 2018, December 11, 2018, and December 12, 2018. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-7

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

1. **[Sienna Hills Ph. 2 Final Plat \(15-PP-2017\)](#) – **Approved on Consent.**
Request: Approve the final plat for a new residential subdivision comprised of 16 lots and 4 tracts on an 8±-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-10 ESL) zoning.
Location: West of the northwest corner of Shea Boulevard and 124th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
2. **[Engineering Services Contract for the Osborn Road Complete Street Project](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11301** authorizing Contract No. 2019-002-COS with Ritoch-Powell and Associates, Inc., in the amount of \$405,187.54, for complete civil engineering services for the Osborn Road Complete Street Project – Hayden Road to Scottsdale Road.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
3. **[Off Road Expo](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11352** to authorize:
 1. Funding, not to exceed \$75,000, from the portion of the FY 2018/19 Tourism Development Fund that is allocated toward event retention and development for the Off Road Expo event.
 2. New Event Funding Agreement No. 2019-009-COS with Bonnier Corporation.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov**
4. **[Fire Protection System Compliance Reporting Fee](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11347** authorizing the addition of a new \$30 fire protection system compliance reporting fee to the *Fire Department Fee Schedule* for utilization of the required fire inspection compliance engine tracking system.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov**
5. **[Proposition 202 Grant Funds Acceptance](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11355** to authorize:
 1. Agreement No. 2019-013-COS with Ak-Chin Indian Community and Catholic Charities Community Services to accept Proposition 202 Tribal Gaming Funds in the amount of \$100,000.
 2. Agreement No. 2019-014-COS with Ak-Chin Indian Community and Reigning Grace Ranch to accept Proposition 202 Tribal Gaming Funds in the amount of \$50,000.
 3. A budget transfer in the amount of \$150,000 from the adopted FY 2018/19 Grant Contingency and/or the Future Grants Budget to newly created cost centers assigned to record the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov**
6. **[Marcellus v. City of Scottsdale et al. Offer of Judgment](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11346** authorizing the City to make an Offer of Judgment in the amount of \$65,000 to the plaintiff in *Marcellus v. City of Scottsdale, et al.*, Maricopa County Superior Court, Cause No. CV2015-091140, or otherwise resolving the pending litigation.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov**
7. **[Council Committee and Subcommittee Appointments](#) – **Approved on Consent.**
Request: Confirm Mayor Lane's City Council committee and subcommittee appointments for the Audit Committee, Economic Development Subcommittee, WestWorld Subcommittee, and Capital Improvement Plan Subcommittee as follows:
 1. Audit Committee – Councilmembers Korte, Littlefield, and Whitehead
 2. Economic Development Subcommittee – Councilmembers Klapp, Milhaven, and Whitehead
 3. WestWorld Subcommittee – Vice Mayor Phillips and Councilmembers Korte and Milhaven
 4. Capital Improvement Plan Subcommittee – Vice Mayor Phillips and Councilmembers Klapp and Littlefield**Staff Contact(s):** Rachel Smetana, Mayor's Chief of Staff, 480-312-7806, rsmetana@scottsdaleaz.gov**

Public Comment – None

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CITIZEN PETITIONS

ITEM 8

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.

8. 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 9-10

9. [Ethics Refresher Training](#)

On May 2, 2006, the Scottsdale City Council adopted Resolution No. 6879 and Ordinance No. 3675 establishing the City of Scottsdale Public Service Ethics Program and a Code of Ethical Behavior related to elected and appointed officials, which became effective July 1, 2006. The City's Ethics Program and the Code require that the Councilmembers receive annual ethics training.

This ethics training for the City Council will include the following components:

1. A discussion of the requirements of the Code of Ethical Behavior that are most frequently implicated in the Councilmembers' activities.
2. An update on any changes that might have occurred in the last year relating to the Code of Ethical Behavior.
3. An opportunity for Councilmembers to raise any issues of particular concern to them.

The training session is instructional and informational. No public business will be considered and no public comment will be taken; however, City Councilmembers may engage in discussion about ethics issues as part of this training session.

Presenter(s): Bruce Washburn, City Attorney

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

– City Attorney Bruce Washburn presentation.

*****10. Initiate City Council Review of the Development Review Board's December 20, 2018, Decision Regarding 58-DR-2018 (The Maverick Mural)**

Request: At the request of Councilwoman Littlefield, consider whether to initiate a formal City Council review of the Development Review Board's December 20, 2018, decision, which approved a mural on the north elevation of an existing building in Old Town Scottsdale (4235 N. Marshall Way).

– Councilwoman Littlefield made a motion to initiate a review of the Development Review Board's December 20, 2018, decision regarding 58-DR-2018, The Maverick Mural. Councilwoman Klapp seconded the motion, which carried 5/2, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Littlefield, and Whitehead voting in the affirmative, and Councilmembers Korte and Milhaven dissenting.

Note: The only Council action to be taken on Item No. 10 is a decision on whether to initiate a formal City Council review of the Development Review Board's December 20, 2018, decision regarding 58-DR-2018 (The Maverick Mural), which would then be scheduled for a future Council meeting. Therefore, no public comment will be taken at this time.

Adjournment – 6:05 P.M.