

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM NOS. A1, 20A, AND 22; REWOORDED ITEM NOS. 8 AND 9]

COUNCIL

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

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, January 15, 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 (February 5, 2019).

5:00 P.M.

MARKED AGENDA

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 – Boy Scout Troop 45, Leader Natalee Phleger

Invocation – Minister Brooke Hellestrae, Scottsdale Bible Church

Mayor's Report – Mayor Lane requested a moment of silence to honor SRPMIC Officer Clayton Townsend, who was killed in the line of duty.

Presentations/Information Updates – Rescheduled to March 5, 2019.

- **Scottsdale Arts Update**

Presenter(s): Gerd Wuestemann, Scottsdale Arts President and CEO

Public Comment – Stuart Graff commented on the positive impact Scottsdale Experience has had on Taliesin West. David Ortega reported on the trespassing violations that have occurred during the installation of The Maverick Mural (58-DR-2018).

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. 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.

***A1. Added Items

Consent Item No. 20A was added to the agenda on January 10, 2019.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is February 5, 2019.

CONSENT AGENDA ITEMS 1-20A

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 Phillips made a motion to approve Consent Agenda Items 1 through 20A. 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.

1. **[Generations at Pinnacle Peak Liquor License \(87-LL-2018\)](#) – 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: 23733 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **[Clayton on the Park Liquor License \(89-LL-2018\)](#) – 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 and owner, new license series.
Location: 7343 E. Scottsdale Mall, Suite 1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **[BATL Backyard Axe Throwing League Liquor License \(90-LL-2018\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 7919 E. Thomas Road, Suite 103
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Humble Pie Pizza Wine & Spirits Liquor License (91-LL-2018) – 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: 6149 N. Scottsdale Road, Suite A1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Provisions Liquor License (92-LL-2018) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for new location and owner.
Location: 3703 N. 69th Street, Suite 1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Cold Beers & Cheeseburgers Liquor License (93-LL-2018) – 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: 8624 E. Shea Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Permanent Extension of Premises for Desert Mountain Club (11-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 14 (private club) State liquor license for an existing location to add a new adjacent golf course and clubhouse.
Location: 10333 E. Rockaway Hills Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- ***8. **Verizon PHO Pima & McDonald Conditional Use Permit (7-UP-2018) – Approved on Consent.**
Request: At the request of the applicant, continue to a date to be determined.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- ***9. **Verizon PHO Firebank Conditional Use Permit (17-UP-2018) – Approved on Consent.**
Request: At the request of the applicant, continue to a date to be determined.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
10. **JLB Partners - The McDowell Rezoning (12-ZN-2018) – Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4381** approving a zoning district map amendment from Highway Commercial, Conditional (C-3 C) to Planned Unit Development (PUD) zoning, including adoption of a development plan and amended development standards, for residential floor area ratio, building setbacks, and building stepbacks on a 12.3±-acre site.
 2. Adopt **Resolution No. 11343** declaring the document titled "*The McDowell Development Plan*" to be a public record.**Location:** 6601 E. McDowell Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
11. **Public Safety Radio Site Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11332** authorizing Agreement No. 2009-074-COS-A1 with Scottsdale Unified School District No. 48 to extend the term of the agreement for an additional five years for a public safety radio site at Desert Mountain High School.
Location: 12575 E. Via Linda
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

12. **Engineering Services Contracts for Structural Design Services – Approved on Consent.**
Request: Adopt **Resolution No. 11303** authorizing the following on-call engineering services contracts for an initial two-year term in an amount not to exceed \$1,500,000 per contract for structural design services:
 1. Contract No. 2019-003-COS with Horrocks Engineers, Inc.
 2. Contract No. 2019-004-COS with Point Engineers, LLC
 3. Contract No. 2019-005-COS with Gannett Fleming, Inc.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

13. **Engineering Services Contracts for Surveying Services – Approved on Consent.**
Request: Adopt **Resolution No. 11340** authorizing the following one-year contract extensions for on-call engineering services in an amount not to exceed \$500,000 per contract for surveying services throughout the City:
 1. Contract No. 2015-006-COS-A3 with EPS Group, Inc.
 2. Contract No. 2015-007-COS-A3 with AZTEC Engineering Group, Inc.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

14. **Paiute Neighborhood Center ADA Bathroom Renovation Project – Approved on Consent.**
Request: Adopt **Resolution No. 11333** authorizing Construction Bid Award No. 19PB005 with Doege Development, LLC, the lowest responsive bidder, in the amount of \$127,612 for construction services associated with renovations of the bathrooms located at Building 2 of the Paiute Neighborhood Center.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

15. **Paiute Neighborhood Center Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11324** authorizing Agreement No. 2018-059-COS-A1, the first amendment to the agreement with Hirsch Academy: A Challenge Foundation Academy (Hirsch) regarding the use of space at the Paiute Neighborhood Center to operate a public charter school, recognizing the security deposit previously paid by Hirsch to the City, and specifying the conditions of its return to Hirsch.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

16. **Unmanned Aerial System Package Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11348** to authorize:
 1. Agreement No. 2019-001-COS with the Governor’s Office of Highway Safety to accept a grant in the amount of \$31,746 to purchase an unmanned aerial system package to assist with accident investigations.
 2. A budget transfer in the amount of \$31,746 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. **Claims and Litigation – Approved on Consent.**
Request: Adopt **Resolution No. 11360** authorizing the City Attorney, in the context of ongoing or threatened litigation in which the City and/or one or more of its employees is a party, to bring claims against existing parties in the litigation or to add parties to the litigation by bringing claims against them as the City Attorney determines is necessary to protect the interests of the City.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

18. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2017/18 Monthly Financial Report as of June 2018 (fiscal year-end).
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

19. **Monthly Financial Report – Approved on Consent.**

Request: Accept the FY 2018/19 Monthly Financial Report as of October 2018.

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

20. **Monthly Financial Report – Approved on Consent.**

Request: Accept the FY 2018/19 Monthly Financial Report as of November 2018.

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

***20A. **Stadium Facilities Capital Improvement Funds for Decking – Approved on Consent.**

Request: Adopt **Resolution No. 11370** to authorize:

1. The use of up to \$80,000 from the Stadium Facilities Capital Improvement Fund for construction of decking in the left-field area and south of the building at Gate A of Scottsdale Stadium to expand the concession area, improve pedestrian flow, and assess the design during the 2019 Spring Training Season for proposed future improvements.
2. A FY 2018/19 General Fund Operating Contingency Budget Appropriation transfer of up to \$80,000 to the Community Services Division Operating Budget to be funded by the Stadium Capital Improvement Fund.

Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@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

ITEM 22

*****22. Ordinance Regulating the Use of Handheld Communication Devices While Driving**
Request: At the request of Councilwoman Klapp, direct the City Manager to agendize a presentation, discussion, and possible action on an ordinance to regulate the use of handheld communication devices by all drivers driving in the City of Scottsdale.

– Councilwoman Klapp made a motion to direct the City Manager to agendize a presentation, discussion, and possible action on an ordinance to regulate the use of handheld communication devices by all drivers driving in the City of Scottsdale. Vice Mayor Phillips seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, and Whitehead voting in the affirmative and Councilwoman Milhaven dissenting.

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.

Adjournment – 5:22 P.M.