

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[ADDED ITEM No. A1 AND CONSENT ITEM No. 14A]**

### **COUNCIL**

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

Linda Milhaven  
Guy Phillips  
Solange Whitehead

**Tuesday, October 6, 2020**

*Until further notice, City Hall is closed to the public during Council meetings and these meetings are being 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 [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov) (search "live stream") to allow the public to virtually attend and listen/view the meeting in progress. 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 20, 2020).*

*Spoken comment is being accepted on items on the Consent and Regular Agenda (Items 1 through 15). To sign up to speak on these items, please [click here](#). Request to speak forms must be submitted no later than 90 minutes before the start of the meeting.*

*Written comments, submitted electronically at least 90 minutes before the meeting, will be emailed to the Council and posted online prior to the meeting. A written public comment may be submitted electronically by [clicking here](#), or on the "click here to submit a written comment on an item" link located at the top of each page of the agenda.*

**5:00 P.M.**

### **MARKED AGENDA**

#### **CITY COUNCIL MEETING**

Meeting will be held electronically.

**Call to Order – 5:17 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 read a proclamation proclaiming October Employment of People with Disabilities Month.**



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](http://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.

**– Councilman Phillips made a motion to accept the agenda as presented. 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.**

### \*\*\*A1. Added Items

Consent Item No. 14A was added to the agenda on October 5, 2020.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is October 20, 2020.

## MINUTES

**Request:** Approve the [Regular Meeting Minutes of September 8, 2020](#); and [Special Meeting Minutes of September 15, 2020](#).

**– Councilmember Korte made a motion to approve the Regular Meeting Minutes of September 8, 2020; and Special Meeting Minutes of September 15, 2020. Vice Mayor Whitehead 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 1-14A

**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 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 14A. 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.**

### 1. [Off the Hook Liquor License \(66-LL-2020\)](#) – 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:** 4209 N. Craftsman Court

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

### 2. [Quick Stop Liquor License \(71-LL-2020\)](#) – 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 an existing location with a new owner.

**Location:** 7123 E. Oak Street

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

3. **[Taphouse Kitchen Liquor License \(72-LL-2020\)](#) – **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:** 6137 N. Scottsdale Road, Suite 108  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)**
4. **[Belles Nashville Kitchen Liquor License \(73-LL-2020\)](#) – **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:** 7212 E. Main Street  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)**
5. **[Hyatt Place Liquor License \(74-LL-2020\)](#) – **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:** 7300 E. 3<sup>rd</sup> Avenue  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)**
6. **[Golden Imperial Products Liquor License \(75-LL-2020\)](#) – **Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesaler) State liquor license for a new location and owner.  
**Location:** 9170 E. Bahia Drive, Suite 203A  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)**
7. **[12015 E. Ironwood Drive Easement Abandonment \(9-AB-2019\)](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 11924** authorizing the abandonment of 33 feet of General Land Office Patent easement located along the southern (E. Ironwood Drive alignment) and eastern (N. 121<sup>st</sup> Street alignment) boundaries of Parcel No. 217-32-058G, with Single-Family Residential District (R1-43) zoning.  
**Location:** 12015 E. Ironwood Drive  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)**
8. **[Site 42 Reservoir Storage Expansion Project Construction Phase Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 11845** authorizing CM@Risk Contract No. 2020-106-COS with MGC Contractors, Inc., in an amount not to exceed \$7,431,209.52, to provide construction phase services for the Site 42 Reservoir Storage Expansion project.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)**
9. **[Site 43 1.0 MG Reservoir](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 11938** authorizing Construction Bid Award No. 21PB001 to Haydon Building Corp., the lowest responsive bidder, in the amount of \$2,263,800 for construction of the Site 43 1.0 MG reservoir.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)**
10. **[Paradise Valley Farms Waterline Replacement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 11945** authorizing Construction Bid Award No. 20PB044 to Sellers & Sons, Inc., the lowest responsive bidder, in the amount of \$1,160,904.83 for the construction of the Paradise Valley Farms Waterline Replacement project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)**

11. [Rassner Memorial Scottsdale Library Endowment Allocation for Fiscal Year 2020/21 – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 11912** approving the distribution of \$18,000 in interest income from the Rassner Memorial Scottsdale Library Endowment Fund for FY 2020/21 and authorizing the allocation of funds to recommended activities.  
**Staff Contact(s):** Bill Murphy, Assistant City Manager, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
12. [Proposition 202 Grant Funds Acceptance – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 11937** to authorize:
  1. Agreement No. 2020-166-COS with the Fort McDowell Yavapai Nation to accept Proposition 202 Tribal Gaming Funds in the amount of \$47,000.
  2. A budget transfer in the amount of \$47,000 from the adopted FY 2020/21 Grant Contingency and/or the Future Grants Budget to a newly created cost center to record the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)
13. [Sports Field Lighting and Installation Job Order Contract – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 11941** authorizing Contract No. 2020-168-COS with Musco Sports Lighting, LLC, in an amount not to exceed \$5,000,000 for a two-year term, for sports field lighting, installation and related material.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
14. [Gila River General Stream Adjudication Intergovernmental Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 11946** authorizing Agreement No. 2019-142-COS-A2, the second amendment to the agreement with the cities of Avondale, Glendale, and Mesa, which adds the City of Tempe to the agreement, for joint legal representation in the Gila River General Stream Adjudication.  
**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)
- \*\*\*14A. [Emergency Management Resolution to Promote Economic Recovery – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 11974** to authorize:
  1. Repeal of Resolution No. 11862.
  2. The City Manager in his discretion to temporarily suspend enforcement of specified regulations and fees in order to promote economic recovery from the effects of the state of emergency caused by the Coronavirus (COVID-19) pandemic through May 31, 2021.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

## REGULAR AGENDA

### ITEM 15

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

15. [Estates on 128<sup>th</sup> Rezoning and Non-Major General Plan Amendment \(20-ZN-2019 and 8-GP-2019\)](#)  
**Requests:**
  1. Adopt **Ordinance No. 4468** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning to Single-Family Residential, Planned Residential Development, Environmentally Sensitive Lands (R1-18 PRD ESL) zoning on 5.05± acres and (R1-35 PRD ESL) on 4.96± acres and a Development Plan with amended development standards for the lot area, lot width, and setbacks for a 12-lot single-family residential community on a total 10±-acre property.
  2. Adopt **Resolution No. 11910** declaring the document titled “*Estates on 128<sup>th</sup> Development Plan*” to be a public record.

3. Adopt **Resolution No. 11926** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Rural Neighborhoods to Suburban Neighborhoods on a 10±-acre site.

**Location:** Southeast corner of N. 128<sup>th</sup> Street and E. Shea Boulevard

**Presenter(s):** Doris McClay, Senior Planner

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

**– Senior Planner Doris McClay and Applicant Representative Jordon Rose presentations.**  
**– Councilwoman Milhaven made a motion to adopt Ordinance No. 4468, Resolution No. 11910, and Resolution 11926. Councilmember Korte 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.**

## MAYOR AND COUNCIL

### ITEM 16

#### 16. Boards, Commissions, and Task Forces Appointments

##### **How the Board and Commission Appointment Process Works:**

Until further notice, in person interviews for board and commission nominees will not be held. Each board and commission nominee has submitted materials for the Council's review and consideration and can be viewed [here](#). The Council will make the appointment(s) for each vacancy based on the submitted materials.

**Airport Advisory Commission – Larry Bernosky was reappointed, and Peter Mier and Rick Milburn were appointed, to the Airport Advisory Commission, effective October 6, 2020.**

*Nominee(s):* Larry Bernosky, Peter Mier, Rick Milburn

*Council to fill three vacancies (appointments effective October 6, 2020)*

**Citizens' Bond Oversight Committee – Andrew Armstrong and Brion Neeley were reappointed, and Hyungju (Ben) Hur was appointed, to the Citizens' Bond Oversight Committee, effective October 6, 2020.**

*Nominee(s):* Andrew Armstrong, Hyungju (Ben) Hur, Brion Neeley, Linda Spink

*Council to fill three vacancies (appointments effective October 6, 2020)*

**Human Relations Commission – Stuart Rhoden and Janice Shimokubo were reappointed to the Human Relations Commission, effective October 6, 2020.**

*Nominee(s):* Robin Murphy, Stuart Rhoden, Terri Rudin, Janice Shimokubo

*Council to fill two vacancies (appointments effective October 6, 2020)*

**Industrial Development Authority – Jeffrey Greene was appointed to the Industrial Development Authority, effective October 6, 2020.**

*Nominee(s):* Jeffrey Greene

*Council to fill one vacancy (appointment effective October 6, 2020)*

**Judicial Appointments Advisory Board – Tricia Schafer was appointed to the Judicial Appointments Advisory Board, effective October 6, 2020.**

*Nominee(s):* Steven Jackson, Tricia Schafer

*Council to fill one State Bar Rep vacancy (appointment effective October 6, 2020)*

**Neighborhood Advisory Commission – Jonathan Budwig was appointed, and William James was reappointed, to the Neighborhood Advisory Commission, effective October 6, 2020.**

*Nominee(s):* Jonathan Budwig, William James

*Council to fill two vacancies (appointments effective October 6, 2020)*

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**Personnel Board – Application withdrawn.**

*Nominee(s): Bill Amato*

*Council to fill one vacancy (appointment effective October 6, 2020)*

**Planning Commission – George Ertel, Barry Graham, William Scarbrough, and Joe Young were appointed to the Planning Commission, effective October 6, 2020.**

*Nominee(s): George Ertel, Barry Graham, Waseem Hamadeh, Jeffrey Kinney, Kevin Maxwell, Diane Nowak, William Scarbrough, Christian Serena, Joe Young*

*Council to fill four vacancies (appointments effective October 6, 2020)*

**Tourism Development Commission – Ken McKenzie was reappointed to the Tourism Development Commission, effective October 6, 2020.**

*Nominee(s): Ken McKenzie, Monica Nicodemus, Michael Recuber, Krista Welch*

*Council to fill two hotelier vacancies (appointments effective October 6, 2020)*

**Veterans Advisory Commission – Blake Lindgren was appointed to the Veterans Advisory Commission, effective October 6, 2020.**

*Nominee(s): Matthew Freehan, Blake Lindgren, Daniel Zuczek*

*Council to fill one vacancy (appointment effective October 6, 2020)*

**– Councilman Phillips made a motion to direct staff to look into using the Performing Arts Center as a temporary council meeting hall. The motion died for lack of a second.**

**Adjournment – 5:56 P.M.**