

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED ADDED ITEMS No. A1; REMOVED ITEM No. 6; AND ADDED ITEM No. 23A]

COUNCIL

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

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, March 17, 2020

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 (April 7, 2020).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:04 P.M.

Roll Call – All present (Councilwoman Whitehead participated telephonically)

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 – Councilmember Korte

Invocation – Mayor Lane asked for a moment of silence to reflect on the deadly COVID 19 virus sweeping the nation and the precautions needed to be taken to thwart continued outbreaks.

Mayor's Report – Mayor Lane commented on the COVID-19 virus, including community actions, guidelines, and sources for information.

Presentations/Information Updates – Postponed

- **Scottsdale Arts Update**

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

Public Comment – None

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 5/2, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, and Phillips voting in the affirmative and Councilmembers Milhaven and Whitehead dissenting.

*****A1. Added Items**

The council reports for Item Nos. 23A and 24 were 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 to continue the added items to the April 7, 2020, Council meeting.

MINUTES

Request: Approve the [Special Meeting Minutes of February 18, 2020](#), and [Regular Meeting Minutes of February 18, 2020](#).

– Councilman Phillips made a motion to approve the Special Meeting Minutes of February 18, 2020, and Regular Meeting Minutes of February 18, 2020. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

CONSENT AGENDA **ITEMS 1-23A**

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 Littlefield made a motion to adopt Consent Agenda Items 1 through 23A, absent Items 6 and 18, which were removed at the request of staff. Councilman Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

1. [Herb Box Catering Company Liquor License \(103-LL-2019\)](#) – 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: 7000 E. Shea Boulevard, Building G, Suite 1010

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

2. [Francine Liquor License \(18-LL-2020\)](#) – 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 a new location and owner.

Location: 7014 E. Camelback Road, Suite 1160

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

3. **Pizza Hut No. 26987 Liquor License (19-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 a new location and owner.
Location: 11291 E. Via Linda, Suite 128
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Pizza Hut No. 26981 Liquor License (20-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 a new location and owner.
Location: 10320 N. Scottsdale Road, Suite 121
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Brand Factory Liquor License (23-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: 502 N. Hayden Road, Suite 550
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- ***6. **Permanent Extension of Premises for Crust Brothers (2-EX-2020)**
(Removed at the request of staff.)
7. **Green Sky Patient Center of Scottsdale North, Inc., Conditional Use Permit (3-UP-2015#2) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 11738 approving the renewal of an existing Conditional Use Permit for a Medical Marijuana Use (dispensary) in a 2,700± square-foot facility with Industrial Park (I-1) zoning.
Location: 7320 E. Butherus Drive, Suite 100
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Lomas Verdes Estates Final Plat (5-PP-2017) – Approved on Consent.**
Request: Approve the final plat for a new residential subdivision comprised of six lots and amended development standards on an 8±-acre site with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-43/ESL/FO) zoning.
Location: Southeast corner of E. Redbird Road and N. 64th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
9. **South Scottsdale Mixed-Use Rezoning (14-ZN-2018) – Approved on Consent.**
Request: Continue to a date to be determined.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
10. **Transportation Engineering Services Contracts for Capital Improvement Projects – Approved on Consent.**
Request: Adopt **Resolution No. 11737** 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 the design of various transportation projects:
 1. Contract No. 2020-048-COS with Gavan and Barker, Inc.
 2. Contract No. 2020-049-COS with Premier Engineering Corporation
 3. Contract No. 2020-050-COS with Ritoch-Powell & Associates Consulting Engineers, Inc.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

11. **One Civic Center Pocket Park Project Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 11743** authorizing a FY 2019/20 General Fund Capital Contingency Budget Appropriation transfer in the amount of \$150,000 from the Downtown Cultural Trust to a newly created CIP project titled One Civic Center Pocket Park Project.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

12. **Recyclable Materials Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11729** to authorize:
 1. Agreement No. 2020-045-COS with the City of Phoenix for the processing and disposition of recyclable materials.
 2. A budget transfer from the adopted FY 2019/20 Solid Waste Fund Operating Reserve to the Solid Waste Management Operating Budget in an amount not to exceed \$550,000 to cover unforeseen circumstances that impact the landfill disposal, recycling disposal costs, and recycling processing fee.
 3. The Public Works Director to execute and take necessary actions to modify Contract No. 2016-022-COS with Salt River Pima-Maricopa Indian Community to provide for the alternative delivery of recyclable materials to the Phoenix Materials Recovery Facilities.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

13. **Trolley Preventative Maintenance Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11739** to authorize:
 1. Intergovernmental Agreement No. 2020-052-COS with the City of Phoenix for the acceptance of a Federal Transit Administration grant in the amount of \$174,084 for trolley preventative maintenance.
 2. A budget transfer in the amount of \$174,084 from the adopted FY 2019/20 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

14. **Scottsdale Stadium Food and Beverage Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11734** to authorize:
 1. Agreement No. 2020-047-COS with Arizona Sportservice, Inc., dba Delaware North, for the provision of concession, catering, and alcoholic beverage services at Scottsdale Stadium.
 2. The Community Services Director, or designee, to make determinations, execute documents, and take any other such actions as necessary.**Staff Contact(s):** Reed Pryor, Parks and Recreation Director, 480-312-1011, rpryor@scottsdaleaz.gov

15. **Naming of the Fraesfield Trailhead Interpretive Trail and the Gateway Trailhead Amphitheater – Approved on Consent.**
Request: Adopt **Resolution No. 11735** to authorize naming the following locations in the Scottsdale McDowell Sonoran Preserve:
 1. The Fraesfield Trailhead Interpretive Trail in honor of Kathryn “Sam” Campana.
 2. The Gateway Trailhead Amphitheater in honor of Mary Manross.**Staff Contact(s):** Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

16. **Public Housing Agency Plans– Approved on Consent.**
Request: Adopt **Resolution No. 11670** to:
 1. Approve the Public Housing Agency Five-Year Agency Plan for 2020-2025 and the Annual Agency Plan for FY 2020/21 for the operation of and to serve as the application for funding for the Housing Choice Voucher Program to the United States Department of Housing and Urban Development (HUD).
 2. Authorize changes to the Scottsdale Housing Agency Administrative Plan, included in the Five- Year and Annual Agency Plans.
 3. Accept additional Housing Choice Vouchers that HUD may offer during FY 2020/21.
 4. Authorize the Human Services Director to execute any other documents and take any other such actions as necessary.**Staff Contact(s):** Greg Bestgen, Human Services Director, 480-312-0104, gbestgen@scottsdaleaz.gov

17. [Paiute Neighborhood Center Women, Infants and Children Program Revocable License Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 11732** authorizing Agreement No. 2017-142-COS-A1, the first amendment to the agreement with Maricopa County, to use space at Paiute Neighborhood Center to operate the Women, Infants, and Children Program.
Staff Contact(s): Greg Bestgen, Human Services Director, 480-312-0104, gbestgen@scottsdaleaz.gov
18. [NCAA Men’s & Women’s Division 1 National Golf Championship – Removed at the request of staff.](#)
Request: Adopt **Resolution No. 11709** to authorize:
 1. Funding, not to exceed \$75,000 annually for three years, from the portion of the Tourism Development Fund that is allocated toward event retention and development for the NCAA Men’s & Women’s Division 1 National Golf Championship event.
 2. New Event Funding Agreement No. 2020-037-COS with Grayhawk Golf Club for a three-year term.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
19. [Fire Fighter Medical Examinations – Approved on Consent.](#)
Request: Adopt **Resolution No. 11744** authorizing Contract No. 2020-054-COS with Heartfit for Duty, LLC, for medical services including incumbent medical Fit for Duty exams and pre-hire physical exams.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
20. [Prosecution Department Disclosure Fee Schedule Adjustments – Approved on Consent.](#)
Request: Adopt **Resolution No. 11731** authorizing adjustments to the Prosecution Department’s disclosure fee schedule.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
21. [Re-assignment to Benjamin M. Gibbons – Approved on Consent.](#)
Request: Adopt **Resolution No. 11741** authorizing the City’s re-assignment to employee Benjamin M. Gibbons of potential claims including third party claims arising from an employment-related incident on or about June 24, 2018.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
22. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2019/20 Monthly Financial Report as of January 2020.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
23. [Detroit Coney Grill Awnings and Canopy – Appeal to City Council \(2-DR-1994#3\) – Approved on Consent.](#)
Request: At the request of the property owner and applicant, continue to a date to be determined.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- ***23A. [Bond 2019 Capital Improvement Project Budget Transfer – Approved on Consent.](#)
Request: Adopt **Resolution No. 11754** authorizing a FY 2019/20 General Fund Capital Contingency Budget Appropriation Transfer in the amount of \$2,000,000 to a newly created capital improvement project titled “53 – Build Multi-Use Sports Fields in the Area of Bell Road” to be funded by General Obligation Bond 2019 Proceeds. (This transfer partially funds this project.)
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 24-25**

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.**

24. Tax on Food for Home Consumption

Request: Adopt **Ordinance No. 4444** amending Appendix C of the Scottsdale Revised Code, Sec. 462., Retail sales: Food for home consumption, with one of the following options:

1. Set the tax rate at an amount equal to 0.0% of the gross income from the business activity upon every person engaging or continuing in the business of selling food for home consumption at retail. Or;
2. Set the tax rate at an amount equal to 0.75% of the gross income from the business activity upon every person engaging or continuing in the business of selling food for home consumption at retail. Or;
3. Set the tax rate at an amount equal to 1.0% of the gross income from the business activity upon every person engaging or continuing in the business of selling food for home consumption at retail.

Presenter(s): Jeff Nichols, City Treasurer

Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

– City Treasurer Jeff Nichols presentation.

– Councilwoman Milhaven made a motion to continue Item 24 until a vote of the Council decides to put it back on the agenda. Vice Mayor Littlefield seconded the motion, which carried 4/3, with Vice Mayor Littlefield and Councilmembers Korte, Milhaven, and Whitehead voting in the affirmative and Mayor Lane and Councilmembers Klapp and Phillips dissenting.

25. Monthly Financial Update

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

Presenter(s): Jeff Nichols, City Treasurer and Dave Lipinski, City Engineer

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

– City Treasurer Jeff Nichols presentation.

Public Comment – None

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CITIZEN PETITIONS

ITEM 26

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.

26. 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 – 6:26 P.M.