

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED CONSENT ITEM NOS. 20A AND 20B]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, July 5, 2016

Unless an exception is made, or unless otherwise noted:

Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment).

The Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to a subsequent Council meeting date (July 6, August 30, or August 31, 2016).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:05 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 Milhaven

Invocation – Pastor Freddy T. Wyatt, First Southern Baptist Church of Scottsdale

Mayor's Report – None

Presentations/Information Updates – None

Public Comment – None

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. 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).

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.

A1. Added Items

The supporting materials for Item No. 19 were added to the agenda less than ten days prior to the meeting and require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or to continue the added item(s) to the August 30 or August 31, 2016, Council meeting.

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

MINUTES

Request: Approve the [4 P.M. Special Meeting Minutes of June 7, 2016](#); [9:30 P.M. Special Meeting Minutes of June 7, 2016](#); [Special Meeting Minutes of June 14, 2016](#); [Special Meeting Minutes of June 16, 2016](#); [Regular Meeting Minutes of June 7, 2016](#); and [Regular Meeting Minutes of June 21, 2016](#).

– Councilmember Korte made a motion to approve the 4 P.M. Special Meeting Minutes of June 7, 2016; 9:30 P.M. Special Meeting Minutes of June 7, 2016; Special Meeting Minutes of June 14, 2016; Special Meeting Minutes of June 16, 2016; Regular Meeting Minutes of June 7, 2016; and Regular Meeting Minutes of June 21, 2016. Vice Mayor Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-20B

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 20B, absent Items 14 and 15, which were moved to the Regular Agenda. Councilman Phillips seconded the motion, which carried 7/0.

1. [Citywide Sewer Line Rehabilitation Construction Services Job Order Contracts](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 10464** authorizing the following contract modifications for Citywide sewer line rehabilitation:

1. Contract No. 2014-070-COS-A1 with Achen Gardner Construction, LLC
2. Contract No. 2014-071-COS-A1 with Insituform Technologies, Inc.

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

2. [Federal-aid Highway Program Projects Certification Acceptance Agreement](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 10489** authorizing Agreement No. 2016-085-COS with the Arizona Department of Transportation for administering Federal-aid Highway Program Projects funded by the Federal Highway Administration within the City of Scottsdale.

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

3. **Scottsdale Endowment Allocation – Approved on Consent.**

Request: Adopt **Resolution No. 10472** approving the distribution of interest income from the Scottsdale Community Endowment Fund, in the amount of \$3,500, and the Herbert R. Drinkwater Youth Services Fund, in the amount of \$1,500, and authorizing the allocation of funds to the YMCA to support the YMCA Togetherhood Program.

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov

4. **Senior Makers Library Program Grant – Approved on Consent.**

Request: Adopt **Resolution No. 10474** to authorize:

1. Acceptance of a FY 2016/17 Library Services and Technology Act grant from the Arizona State Library, Archives, and Public Records in the amount of \$23,560 for the Library's Senior Makers Program.
2. A budget transfer in the amount of \$23,560 from the adopted FY 2016/17 Future Grants and/or Contingency budget to a new cost center created to record the related grant activity.
3. The Library Director to execute any other documents and take such other actions as are necessary to carry out the intent of this resolution.

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov

5. **Cultivating Knowing and Growing Library Program Grant – Approved on Consent.**

Request: Adopt **Resolution No. 10480** to authorize:

1. Acceptance of a FY 2016/17 Library Services and Technology Act grant from the Arizona State Library, Archives, and Public Records in the amount of \$154,650 for the Library's Cultivating Knowing and Growing: An Extension of Measuring Success Program.
2. Agreement No. 2016-094-COS with the Arizona Board of Regents for and on behalf of Arizona State University for research services related to the Library's Cultivating Knowing and Growing Program.
3. A budget transfer in the amount of \$154,650 from the adopted FY 2016/17 Future Grants and/or Contingency budget to a new cost center created to record the related grant activity.
4. The Library Director to execute any other documents and take such other actions as are necessary to carry out the intent of this resolution.

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov

6. **Community Action Program Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10499** authorizing Agreement No. 2016-092-COS with the Maricopa County Human Services Department to continue to operate the Community Action Program (CAP) and to provide up to \$77,192 for CAP administrative costs.

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov

7. **Scottsdale Railroad and Mechanical Society Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10509** authorizing Agreement No. 2016-099-COS with Scottsdale Railroad and Mechanical Society to provide financial and technical assistance to the McCormick-Stillman Railroad Park.

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov

8. **Scottsdale Live Steamers Revocable License Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10511** authorizing Agreement No. 2016-101-COS with Scottsdale Live Steamers to use space at McCormick-Stillman Railroad Park to operate a 1:8 scale model train layout that provides rides to the public.

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov

9. **Sun N Sand Model Railroad Club Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10512** authorizing Agreement No. 2016-102-COS with Sun N Sand Model Railroad Club to use space in the McCormick-Stillman Railroad Park's Model Railroad Building to operate an "N" scale model train layout.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov
10. **Scottsdale Model Railroad Historical Society Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10513** authorizing Agreement No. 2016-103-COS with Scottsdale Model Railroad Historical Society, Inc., to use space in the McCormick-Stillman Railroad Park's Model Railroad Building to operate an "HO" scale model train layout.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov
11. **Scottsdale Aquatic Club Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10522** authorizing Agreement No. 2016-107-COS with Scottsdale Aquatic Club, Inc., to use certain City aquatic facilities for competitive youth aquatics.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954,
bmurphy@scottsdaleaz.gov
12. **American Trucker WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10313** authorizing Agreement No. 2016-004-COS with R. Entertainment Company, LLC, to produce the American Trucker event at the WestWorld facility in the month of October beginning in 2016 through 2020.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825,
bdygert@scottsdaleaz.gov
13. **Bentley Scottsdale Polo Championship WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10396** authorizing Agreement No. 2016-045-COS with Scottsdale Polo Championship, LLC, to produce the 6th Annual Bentley Scottsdale Polo Championship event at the WestWorld facility on November 5, 2016.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825,
bdygert@scottsdaleaz.gov
14. **Solar Services Agreements – Councilwoman Klapp made a motion to approve Solar Services agreements between Scottsdale Water and SolarCity by adopting Resolution No. 10490. Councilman Smith seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 10490** authorizing the following agreements with SolarCity Corporation for the financing, design, construction, maintenance, and operation of solar power infrastructure at the City's Water Campus:
 1. Solar Services Agreement No. 2016-086-COS
 2. Performance Guarantee Agreement and Limited Warranty Agreement No. 2016-088-COS
 3. Demand Logic Guarantee Agreement No. 2016-089-COS**Staff Contact(s):** David Petty, Acting Water Resources Director, 480-312-5661,
dpetty@scottsdaleaz.gov
15. **Sale of 91st Avenue Reclamation Plant Biogas – Vice Mayor Littlefield made a motion to adopt Resolution No. 10495, with the condition the City receives an opinion from the bond counsel that the bonds will remain tax exempt. Councilwoman Klapp seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 10495** authorizing the City of Phoenix, as the management agency of the 91st Avenue Sewage Treatment Plant, to sell Scottsdale's portion of the Plant's biogas to Ninety-First Avenue Renewable Biogas, LLC, for conversion into a renewable energy source in exchange for a proportional share of the sales revenues.
Staff Contact(s): David Petty, Acting Water Resources Director, 480-312-5661,
dpetty@scottsdaleaz.gov

16. **Congestion Mitigation and Air Quality Improvement Program Grants Acceptance – Approved on Consent.**
Request: Adopt **Resolution No. 10491** authorizing the acceptance of four federal grants in the total amount of \$6,834,597 from the Congestion Mitigation and Air Quality Improvement Program, with a local match of \$1,378,080 from the CIP Transportation Sales Tax, to fund four capital projects; and a FY 2016/17 Capital Improvement Plan budget adjustment.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
17. **Transit Service Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10514** authorizing Agreement No. 2013-047-COS-A5 with the Regional Public Transportation Authority in the amount of \$337,705 for the provision of FY 2016/17 transit services.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
18. **Boswell v. City of Scottsdale Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10515** authorizing settlement in the amount of \$68,250 of Marcia Boswell's negligence lawsuit against the City entitled *Boswell v. City of Scottsdale*, Case No. CV2015-006360, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
19. **Acquisition of Property for the Preserve – Approved on Consent.**
Request: Adopt **Resolution No. 10520** authorizing the City to enter into Contract No. 2016-106-COS in the amount of \$4,000,000 for the purpose of acquiring property from the Shawn Murphy Revocable Trust, under Trust Agreement dated February 6, 2007, and to pay associated expenses, for approximately 5.43 acres of land to be added to the McDowell Sonoran Preserve, subject to a life estate over a portion thereof in favor of Shawn Murphy.
Location: Vicinity of 22621 N. 126th Street
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
20. **Vietnam War Commemorative Partner Program – Approved on Consent.**
Request: Adopt **Resolution No. 10524** approving the City's participation in the Vietnam War Commemorative Partner Program to thank and honor veterans of the Vietnam War and their family's for their service and sacrifice, and authorizing the Mayor to execute, on behalf of the City, the Commemorative Partner Statement of Understanding.
Staff Contact(s): Rachel Smetana, Mayor's Chief of Staff, 480-312-7806, rsmetana@scottsdaleaz.gov
- ***20A. **Appeal of Case No. TX 2014-000470 – Approved on Consent.**
Request: Adopt **Resolution No. 10521** authorizing the City Attorney to direct the appeal of any adverse judgment or action to the Arizona Court of Appeals (and up to and including the ability to seek review before the Arizona Supreme Court) in the case currently pending as Case No. TX 2014-000470 in the Superior Court of the State of Arizona, Arizona Tax Court, related to the City's portion of statewide, unpaid privilege taxes.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
- ***20B. **Nicole Rerucha v. City of Scottsdale Legal Fees – Approved on Consent.**
Request: Adopt **Resolution No. 10526** authorizing the Risk Management Department to continue to pay the Law Firm of Udall Shumway PLC, in an additional amount not to exceed \$50,000, pursuant to Contract No. 2015-032-COS for the legal defense of *Nicole Rerucha v. City of Scottsdale*, Case No. CV-15-01145-PHX-NVW, currently pending in the United States District Court, District of Arizona.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA ITEMS 21-22

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.**

21. [State Trust Land – North Scottsdale Rezoning \(19-ZN-2014\)](#)

Requests:

1. Adopt **Ordinance No. 4267** approving a zoning district map amendment for 4020± acres of State Trust Lands from the Single-Family Residential District, Environmentally Sensitive Lands (R1-43/ESL, R1-130/ESL, and R1-190/ESL) zoning districts, and Single-Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-43/ESL/FO, R1-70/ESL/FO, and R1-190/ESL/FO) zoning districts to the Single-Family Residential District, Environmentally Sensitive Lands (R1-7/ESL, R1-10/ESL, R1-18/ESL, R1-35/ESL, R1-43/ESL, R1-70/ESL, R1-130/ESL, and R1-190/ESL) zoning districts, Resort/Townhouse Residential District, Environmentally Sensitive Lands (R-4R/ESL) zoning district, Conservation Open Space, Environmentally Sensitive Lands, (COS/ESL) zoning district, Single-Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-35/ESL/FO, R1-43/ESL/FO, R1-70/ESL/FO, and R1-130/ESL/FO) zoning districts, Resort/Townhouse Residential District, Environmentally Sensitive Lands, Foothills Overlay (R-4R/ESL/FO) zoning district, and Conservation Open Space, Environmentally Sensitive Lands, Foothills Overlay (COS/ESL/FO) zoning district.
2. Adopt **Resolution No. 10504** declaring the document entitled “Stipulations for the Zoning Application: State Trust Land – North Scottsdale” to be a public record.
3. Adopt **Resolution No. 10518** authorizing Development Agreement No. 2016-104-COS with the Arizona State Land Department.

Presenter(s): Jesus Murillo, Sr. Planner

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

– **Presentations from Senior Planner Jesus Murillo, Preserve Director Kroy Ekblaw, and Arizona State Land Department Planning and Engineering Manager Mark Edelman.**

– **Councilman Smith made a motion to continue Item 21 for not less than 90 days. Councilman Phillips seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven dissenting.**

– **Councilmember Korte made a motion to adopt Ordinance No. 4267, adopt Resolution No. 10504, and adopt Resolution No. 10518. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilman Phillips dissenting.**

22. [Transportation Master Plan](#)

Request: Adopt **Resolution No. 10508** adopting the 2016 Transportation Master Plan.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

– **Transportation Director Paul Basha presentation.**

– **Councilmember Korte made a motion to direct staff to amend the Transportation Master Plan to revise the language on Page 31 to remove the words “excluding rail and modern street car” in the first paragraph under Transit Element. Councilwoman Milhaven seconded the motion. No vote taken.**

– **Councilman Phillips made an alternate motion to adopt Resolution No. 10508. Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Korte and Milhaven dissenting.**

Public Comment – None

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. 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.”**

CITIZEN PETITIONS

ITEM 23

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.

23. 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 – Councilwoman Milhaven made a motion to ask staff to agendize an item for possible direction from Council to consider initiating the process to designate Happy Valley Road east of Alma School as a no-truck route. Councilmember Korte seconded the motion, which carried 7/0.

Adjournment – 8:46 P.M.