

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED CONSENT ITEM NO. 7 AND ADDED NOTICE OF POSSIBLE EXECUTIVE SESSION AND CONSENT ITEM NO. 11A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, April 4, 2017

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 25, 2017).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 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 – Daisy Troop 770, Nikki Coburn Leader

Invocation – Pastor David Joynt, Valley Presbyterian Church

Mayor's Report – None

Presentations/Information Updates – None

Public Comment – Judy Pollick commented on Sober Living Homes. Taylor Buttrey, Arts Manager for STARS, spoke about the successful partnership between STARS and the Scottsdale Museum of Contemporary Arts.

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

MINUTES

Request: Approve the [Regular Meeting Minutes of March 7, 2017](#).

– Councilmember Korte made a motion to approve the Regular Meeting Minutes of March 7, 2017. Councilwoman Littlefield seconded the motion, which carried 7/0.

***Notice is hereby given that, at any time during tonight's meeting, the City Council may make a motion to recess into Executive Session for Item No. 13 to discuss and consider the reappointment of Associate City Judge Orest Jejna and/or to discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position regarding same. If authorized by a majority vote of the Scottsdale City Council, the executive session will be held immediately after the vote and will not be open to the public. A.R.S. §38- 431.03(A)(1) and (A)(3).

CONSENT AGENDA ITEMS 1-11A

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 Klapp made a motion to approve Consent Agenda Items 1 through 11A, absent Item 2, which was moved to the Regular Agenda, and Item 7, which was removed from the agenda at the request of staff. Councilmember Korte seconded the motion, which carried 7/0.

- [Spinato's Pizza Liquor License \(8-LL-2017\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 12 (restaurant) State liquor license.
Location: 11108 N. Frank Lloyd Wright Boulevard, Suite E14
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [J's Kaiyo Sushi+Bar Liquor License \(11-LL-2017\)](#) – Vice Mayor Klapp made a motion to approve Liquor License 11-LL-2017, J's Kaiyo Sushi+Bar, for a new location and owner at 4412 N. Miller Road. Mayor Lane seconded the motion, which carried 7/0.**
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: 4412 N. Miller Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Village Tavern Liquor License \(13-LL-2017\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing Series 12 (restaurant) State liquor license.
Location: 8787 N. Scottsdale Road, Suite 234
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Sienna Hills Lot 1 Replat \(13-PP-2014#2\)](#) – Approved on Consent.**
Request: Approve the replat of Lot 1 and Tract B in the Sienna Hills subdivision with Single-Family Residential, Environmentally Sensitive Lands (R1-18 ESL) zoning.
Location: Northwest corner of N. 124th Street and E. Sahuaro Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

CONSENT AGENDA

5. **[Booster Pump Stations 157 and 158 Construction Bid Award – Approved on Consent.](#)**
Request: Adopt **Resolution No. 10701** authorizing Construction Bid Award No. 17PB017 to MGC Contractors, Inc., the lowest responsive bidder, in the amount of \$8,999,000 for construction of Booster Pump Station 157 and Booster Pump Station and Reservoir 158.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

6. **[Citywide Water Resources Underground Infrastructure Job Order Contract Modifications – Approved on Consent.](#)**
Request: Adopt **Resolution No. 10734** authorizing the following job order contract modifications for the third option year for Citywide water resources underground infrastructure construction services:
 1. Contract No. 2015-099-COS-A1 with Achen Gardner Construction, LLC
 2. Contract No. 2015-100-COS-A1 with B&F Contracting, Inc.
 3. Contract No. 2015-101-COS-A1 with CSW Contractors, Inc.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

- ***7. **DC Ranch Park Municipal Use Master Site Plan**
(Removed at the request of the staff.)

8. **[Strada Racing Club WestWorld Event Agreement – Approved on Consent.](#)**
Request: Adopt **Resolution No. 10736** authorizing Contract No. 2017-041-COS with Strada Racing Club, Inc., to practice and train on Lot D, the asphalt pad of the recessed retention area at WestWorld, from April 2017 through July 2017.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

9. **[Update to Vehicle Marking Standards – Approved on Consent.](#)**
Request: Adopt **Resolution No. 10755** to authorize:
 1. Updating the official City vehicle marking standards.
 2. The City Manager to designate certain City vehicles as exempt and unmarked.
 3. Classifying exemption-related records as confidential.**Staff Contact(s):** Kelly Corsette, Communications and Public Affairs Director, 480-312-2336, kcorsette@scottsdaleaz.gov

10. **[Municipal Property Corporation Excise Tax Bond Issuance for Water and Aviation Projects – Approved on Consent.](#)**
Request: Adopt **Resolution No. 10765** to authorize:
 1. The execution and delivery of an agreement with the Scottsdale Municipal Property Corporation providing for financing and approving the issuance of bonds in the amount of \$42 million for water/wastewater improvements and \$27 million for aviation improvements, for a total of \$69 million, in one or more series, as tax-exempt and/or taxable bonds, to finance public improvements.
 2. The form of the agreement, trust indenture and a continuing disclosure certificate with respect to the bonds.
 3. Ratifying the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.**Staff Contact(s):** Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

11. **Dunn Transit, Inc. v. City of Scottsdale Settlement Agreement and Release – Approved on Consent.**

Request: Adopt **Resolution No. 10771** authorizing Agreement No. 2017-058-COS with Dunn Transit, Inc., in the amount of \$85,000 to settle a lawsuit entitled *Dunn Transit, Inc. v. City of Scottsdale*, Case No. CV2017-002563, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

***11A. **Jensen v. City of Scottsdale Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10780** authorizing settlement in the approximate amount of \$140,073 and compliance with the terms set forth in a Petition for Approval of Final Settlement and Release of Undisputed Supportive Medical Maintenance Benefits filed before the Industrial Commission of Arizona, Claim No. 20020-840668.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA ITEMS 12-14

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.**

12. **Mayor's Youth Council Internship Program**

Request: Adopt **Resolution No. 10767** recognizing the Mayor's Youth Council's Internship Program for high school students beginning in FY 2017/18.

Presenter(s): Greg Bestgen, Human Services Director

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

– **Human Services Director Greg Bestgen presentation.**

– **Councilwoman Milhaven made a motion to adopt Resolution No. 10767 recognizing the City of Scottsdale Community Services Mayor's Youth Council Internship Program for high school students beginning in FY 2017/18. Councilmember Korte seconded the motion, which carried 7/0.**

13. **Associate City Judge Reappointment**

Request: Discuss, consider, and take possible action to reappoint Orest Jejna, Associate City Judge, to a term of four years, including terms of employment, as set forth in City Code, to begin on May 1, 2017.

Presenter(s): Donna Brown, Human Resources Director

Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov

– **Human Resources Director Donna Brown and Judicial Appointments Advisory Board Chair Judge Bruce Cohen presentations.**

– **Councilmember Korte made a motion to reappoint Associate City Judge Orest Jejna to a four-year term, including terms of employment, as set forth in City Code, to begin May 1, 2017. Vice Mayor Klapp seconded the motion, which carried 7/0.**

14. [Citizen Petition Requesting Removal of Cactus Path from the Transportation Master Plan](#)
Request: Discuss, consider, and provide possible direction to staff on a citizen petition, as provided by the City Charter, seeking removal of the Cactus Path from the Transportation Master Plan.
Transportation Department Recommendation:
A. Retain Cactus Path in the 2016 Transportation Master Plan; and
B. Direct staff to complete the design and construction of the paved shared use Cactus Path.
Presenter(s): Paul Basha, Transportation Director
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
– **Transportation Director Paul Basha and Executive Assistant Strategic Projects Kroy Ekblaw presentations.**
– **Councilman Smith made a motion to direct staff to bring back an item removing Cactus Path from the Transportation Master Plan. Councilman Phillips seconded the motion. No vote taken.**
– **Councilmember Korte made an alternate motion to retain Cactus Path in the Transportation Plan, making sure that the design addresses the items that were listed in the binder provided by the citizens, including respecting the desert, erosion control, costs, the gate, and flooding. Mayor Lane seconded the motion, which carried 4/3, with Councilmembers Littlefield, Phillips, and Smith dissenting.**

Public Comment – Mark Stuart provided an update on the Save Our Preserve efforts.

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CITIZEN PETITIONS

ITEM 15

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.

15. **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 – 8:31 P.M.