

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED CONSENT ITEM No. 4 AND ADDED CONSENT AGENDA ITEM No. 16A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, March 20, 2018

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 10, 2018).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:01 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 – Councilman Phillips

Invocation – Mayor Lane asked for a moment of silence to reflect on those who were killed in the Austin, Texas bombings.

Mayor's Report – Mayor Lane presented a proclamation in honor of Enriching Our Senior Community Awareness Month.

Presentations/Information Updates – Arizona Musicfest Executive and Producing Director Allan Naplan presentation.

- **Arizona Musicfest**
Presenter(s): Allan Naplan, Executive and Producing Director

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.

– Vice Mayor Korte made a motion to accept the agenda as presented. Councilman Smith seconded the motion, which carried 7/0.

A1. Added Items

Item No. 16A was 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 item(s) to the April 10, 2018 Council meeting.

MINUTES

Request: Approve the [Special Meeting Minutes of February 20, 2018](#); [Regular Meeting Minutes of February 20, 2018](#); and Executive Session Minutes of February 20, 2018.

– Councilwoman Milhaven made a motion to approve the Special Meeting Minutes of February 20, 2018; Regular Meeting Minutes of February 20, 2018; and Executive Session Minutes of February 20, 2018. Councilwoman Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-16A

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 Korte made a motion to approve Consent Agenda Items 1 through 16A, absent Items 2, 7, and 16A, which were moved to the Regular Agenda. Councilman Smith seconded the motion, which carried 7/0.

1. [MeatballZ Liquor License \(6-LL-2018\)](#) – **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: 7342 E. Shea Boulevard, Suite 111

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

2. [Social Tap Conditional Use Permit \(4-UP-2010#3\)](#) – **Councilwoman Milhaven made a motion to find that the conditional use permit criteria have been met and adopt Resolution No. 11054 amending the Conditional Use Permit for an existing bar. Vice Mayor Korte seconded the motion which carried 5/2, with Councilmembers Littlefield and Smith dissenting.**

Request: Find that the conditional use permit criteria have been met and adopt

Resolution No. 11054 amending the Conditional Use Permit for an existing bar use to add a rooftop deck and bar area, allow outdoor televisions and speakers, change hours of operation, and add noise limitations for a 11,993± square-foot parcel with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO) zoning and Parking District, Downtown Overlay (P-2 DO) zoning.

Location: 4310 and 4312 N. Brown Avenue

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

3. **Flynn Abandonment (7-AB-2017) – Approved on Consent.**

Request: Adopt **Resolution No. 11038** authorizing the abandonment of portions of the 33-foot-wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the 33-foot-wide GLOPE and portions of the 55-foot-wide right-of-way on the northern parcel (APN 217-33-015A) with Single-family Residential District (R1-43) zoning.

Location: 9634 N. 120th Street

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

***4. **Wolff Scottsdale PUD Rezoning (13-ZN-2017) – Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4334** approving a zoning district map amendment from Planned Community Center (PCC) zoning to Planned Unit Development (PUD) zoning, including a development plan, parking reduction, and amended development standards on a 6.17±-acre site.
2. Adopt **Resolution No. 11048** declaring the document titled "*Wolff PUD Development Plan*" to be a public record.

Location: 8225 E. Indian Bend Road

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

5. **Acquisition of Right-of-Way for WestWorld Path and Trail Connections Project – Approved on Consent.**

Request: Adopt **Resolution No. 11043** authorizing the acquisition of a permanent public non-motorized access easement and temporary construction easement necessary to construct improvements for the WestWorld Path and Trail Connections project.

Location: Parcel No. 217-11-870

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

6. **Underground Utility Facilities Improvement District No. I-6002 Recapitulated Assessment – Approved on Consent.**

Request: Adopt **Resolution No. 11053** acknowledging notice of completion of work; approving the recapitulated assessment for the City of Scottsdale, Underground Utility Facilities Improvement District No. I-6002; and approving and ratifying other actions and agreements.

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

7. **Reata Wash Flood Control Engineering Services Contract – Councilwoman Milhaven made a motion to adopt Resolution No. 11031. Vice Mayor Korte seconded the motion, which carried 6/1, with Councilwoman Littlefield dissenting.**

Request: Adopt **Resolution No. 11031** authorizing Contract No. 2018-027-COS with Wood, Patel & Associates, Inc., in the amount of \$667,424 to advance the design of the Reata Wash Flood Control Project.

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

8. **Scottsdale Stadium Renovations Budget Transfer – Approved on Consent.**

Request: Adopt **Resolution No. 11061** authorizing a budget appropriation transfer in the amount of \$5,000,000, from additional available budget appropriation in the adopted FY 2017/18 CIP to a newly created CIP project titled Scottsdale Stadium Renovations. This budget appropriation transfer will be funded by the FY 2017/18 Tourism Development Fund undesignated, unreserved fund balance.

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

9. **Scottsdale Housing Annual Agency Plan – Approved on Consent.**

Request: Adopt **Resolution No. 11049** to authorize:

1. The FY 2018/19 Annual Agency Plan for the operation of, and to serve as the funding application for, the Housing Choice Voucher (HCV) Program, and authorize its submission to the U.S. Department of Housing and Urban Development (HUD).
2. The revised Administrative Plan and its submission to HUD.
3. The acceptance of HCV vouchers.

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

10. **Scottsdale Fahrenheit Festival – Approved on Consent.**

Request: Adopt **Resolution No. 11055** to authorize:

1. Funding, not to exceed \$75,000, from the portion of the Tourism Development Fund that is allocated toward event retention and development for the Scottsdale Fahrenheit Festival event.
2. New Event Funding Agreement No. 2018-036-COS with Fahrenheit Festival, LLC.

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

11. **Cinco de Mario Scottsdale – Approved on Consent.**

Request: Adopt **Resolution No. 11056** to authorize:

1. Funding, not to exceed \$70,000, from the portion of the Tourism Development Fund that is allocated toward event retention and development for the Cinco de Mario Scottsdale event.
2. New Event Funding Agreement No. 2018-037-COS with Cinco de Mario, LLC.

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

12. **WestWorld Event Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 11036** authorizing Agreement No. 2018-031-COS with Jam On It Basketball Academy, Inc., to produce the Desert Jam and Southwest Regional Championship basketball tournaments at the WestWorld facility.

Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

13. **FEMA Assistance to Firefighters Grants – Approved on Consent.**

Request: Adopt **Resolution No. 11058** to authorize:

1. The acceptance of a FEMA Assistance to Firefighters grant, in the amount of \$152,817, with a 15% cost share in the amount of \$22,923, to train Fire Department command officers.
2. The acceptance of a FEMA Assistance to Firefighters grant, in the amount of \$1,389,500, with a 10% cost share in the amount of \$138,950, and an estimated \$20,000 for capital project management costs, to purchase cardiac monitor/defibrillators.
3. The Fire Chief or designee with the concurrence of the City Attorney to execute all necessary instruments and supporting documents required for the acceptance of the grants.
4. A budget transfer in the amount of \$152,817 from the adopted FY 2017/18 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related command officer training grant activity.
5. A FY 2017/18 budget appropriation transfer in the amount of \$1,389,500 from the CIP Future Grants Contingency to a newly created CIP project titled SFD Cardiac Monitor/Defibrillators.
6. A FY 2017/18 CIP General Fund Contingency transfer in the amount of \$158,950 to a newly created SFD Cardiac Monitor/Defibrillators project for the City's share of the devices and the estimated capital project management costs.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

14. **Miller Road Underpass at SR-101 Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11009** authorizing Agreement No. 2018-018-COS with the State of Arizona Department of Transportation and Maricopa Association of Governments for project administration for the construction of the Miller Road Underpass to be incorporated into the widening of SR-101L from 1-17 to the Pima/Princess Interchange.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
15. **Notice of Intention to Increase Water and Wastewater Rates and Fees – Approved on Consent.**
Request: Adopt notice of intention to increase water and wastewater rates, increase miscellaneous water charges, and make housekeeping adjustments to Chapter 49 of the Scottsdale Revised Code for FY 2018/19, and establish May 22, 2018, as the date for a public hearing.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
16. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2017/18 Monthly Financial Report as of January 2018.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
- ***16A. **68th Street Bridge Replacement – Councilman Smith made a motion to adopt Resolution No. 11070 and Resolution No. 11071. Councilwoman Littlefield seconded the motion, which carried 7/0.**
Requests:
1. Adopt **Resolution No. 11070** authorizing a \$400,000 budget appropriation transfer from additional available budget appropriation in the adopted FY 2017/18 CIP to a newly created CIP project titled 68th Street Bridge Reconstruction over the Arizona Canal to be funded by the FY 2017/18 Transportation Fund undesignated, unreserved fund balance.
 2. Adopt **Resolution No. 11071** authorizing Engineering Services Contract No. 2018-044-COS with Burgess & Niple, Inc., in the amount of \$185,000, for the reconstruction design of the 68th Street Bridge over the Arizona Canal.
- Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

REGULAR AGENDA ITEMS 17-18

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.**

17. **Bed Tax Revenue Allocation Modification**
Request: Adopt **Ordinance No. 4330** amending Comprehensive Adopted Financial Policy No. 21A, which designates the purposes and allocation of revenues for the Special Revenue Fund for Tourism Development and repeals the previously adopted purposes and allocation, effective July 1, 2018.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– City Treasurer Jeff Nichols presentation.
– Councilwoman Milhaven made a motion to adopt Ordinance No. 4330. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilman Smith dissenting.

18. **Monthly Financial Update**

Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of February 2018.

Presenter(s): Jeff Nichols, City Treasurer

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 19

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.

19. **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 – Councilman Smith made a motion to agendize, for Council discussion and direction to staff, the Tempe, Arizona voter approval, which requires disclosure of all donations greater than \$1,000 to 501(c) organizations that are spending those monies on local political elections. Councilwoman Littlefield seconded the motion, which failed 3/4 with Mayor Lane, Vice Mayor Korte, and Councilmembers Klapp and Milhaven dissenting.

Adjournment – 7:04 P.M.