

SCOTTSDALE

CITY COUNCIL MEETING

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

[RESCHEDULED ITEM No. 4]



COUNCIL

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

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, March 5, 2019

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 (March 19, 2019).

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 Whitehead

Invocation – Pastor Bruce Johnson, Scottsdale Bible Church

Mayor's Report – Mayor Lane congratulated the Chaparral High School Girls Soccer Team for winning the 3A Championship. Mayor Lane invited the public to the Capital Improvement Project Open House at Granite Reef Senior Center on Thursday, March 7, 2019, from 4:30 p.m. to 6:30 p.m.

Presentations/Information Updates – Scottsdale Arts President and CEO Gerd Wuestemann presentation.

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

Public Comment – Sandra Schenkat commented on a recently-retired City prosecutor. French Thompson and Bob Pejman expressed concern about parking issues related to new development in the Downtown area. David Smith spoke about capital improvement projects, Stadium renovations, and a potential bond election.



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

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."**

MINUTES

Request: Approve the [Regular Meeting Minutes of February 5, 2019](#), and [Work Study Session Minutes of February 12, 2019](#).

– Councilman Phillips made a motion to approve the Regular Meeting Minutes of February 5, 2019, and Work Study Minutes of February 12, 2019. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-13

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 13, absent Item 4, which has been rescheduled to April 2, 2019. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

1. **[Famous 48 Liquor License \(9-LL-2019\)](#) – 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: 8989 N. Scottsdale Road, Suite 608

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

2. **[Barros Pizza Liquor License \(11-LL-2019\)](#) – 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: 2515 N. Scottsdale Road, Suites 12-13

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

3. **[Emerald Hills Ranch Abandonment \(16-AB-2018\)](#) – Approved on Consent.**

Request: Adopt **Resolution No. 11369** authorizing the abandonment of the 33-foot-wide General Land Office Patent Easements along the boundaries of Parcel Nos. 217-32-050B, 217-32-052C, and 217-32-053A, excluding the areas overlapped by the N. 124th Street and E. Gold Dust Avenue right-of-way dedications, for a group of properties with Single-Family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning.

Location: 10030 N. 124th Street

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

- ***4. [118th & Ranch Gate Rezoning \(15-ZN-2018\)](#)
(Rescheduled to April 2, 2019.)
5. [Old Town Tiki Bar Liquor License \(10-LL-2019\)](#) – **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: 7133 E. Stetson Drive, Suites 1-2
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. [Old Town Tiki Bar Outdoor Dining Revocable License Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11396** authorizing Agreement No. 2019-034-COS with Scottsdale Canal Project, LLC, and their tenant OTTB, LLC, for an outdoor dining patio on City property.
Location: 7133 E. Stetson Drive, Suites 1-2
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
7. [Capital Improvement Projects On-Call Roundabout Specialist Engineering Services Contracts](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11371** authorizing the following one-year contract extensions for on-call roundabout specialist engineering services in an amount not to exceed \$250,000 per contract for design review, planning, analysis, and professional consultation pertaining to proposed roundabouts at various project locations throughout the City:
1. Contract No. 2017-032-COS-A1 with SE Ritchie Corp. d/b/a Roundabouts & Traffic Engineering
2. Contract No. 2017-035-COS-A1 with MTJ Engineering, LLC
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
8. [Capital Improvement Projects On-Call Water Resources Engineering Services Contracts](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11372** authorizing the following one-year contract extensions for on-call engineering services contracts for design review, planning, analysis, and professional consultation pertaining to proposed water resources projects throughout the City:
1. Contract No. 2017-030-COS-A1 with CDM Smith, Inc., in an amount not to exceed \$1,000,000.
2. Contract No. 2017-031-COS-A1 with Wilson Engineers, LLC, in an amount not to exceed \$1,500,000.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
9. [Sign and Maintenance License Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11387** authorizing Agreement No. 2019-032-COS with McCormick Ranch Property Owners Association, Inc., (McCormick) to allow McCormick to construct two monument signs on City property and maintain the landscape area.
Location: Southwest corner of Via De Ventura and Doubletree Ranch Road
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
10. [Notice of Intention to Increase Water and Wastewater Rates](#) – **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 2019/20, and establish May 14, 2019, as the date for a public hearing.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
11. [Arbitrage Rebate Services Contract](#) – **Approved on Consent.**
Request: Adopt amended **Resolution No. 11342** authorizing Contract No. 2019-012-COS with Hawkins Delafield & Wood, LLP, which were approved on February 5, 2019, to specify that the contract is for an amount not to exceed \$30,000 per fiscal year for arbitrage rebate services.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

12. [Audit Committee Recommendation for the Historic Preservation Commission Sunset Review – Approved on Consent.](#)

Request: Adopt **Resolution No. 11384** accepting the Audit Committee’s recommendation and authorizing the continuation of the Historic Preservation Commission.

Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

13. [Costanti v. City of Scottsdale Settlement Agreement – Approved on Consent.](#)

Request: Adopt **Resolution No. 11402** authorizing settlement in the amount of \$34,000 of Shari Costanti’s negligence lawsuit against the City titled *Costanti v. City of Scottsdale*, Case No. CV2018-006314, currently pending in Maricopa County Superior Court.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 14-17**

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.

14. [Phoenix Herpetological Society Conditional Use Permit, Hardship Exemption, and Special Exemptions \(10-UP-2018, 3-HE-2018, and 1-SX-2018\)](#)

Requests:

1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 11388** approving a Conditional Use Permit for a Community Building and Recreational Facilities, not Publicly Owned, on a 2.1±-acre site with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning.
2. Find that the criteria for a hardship exemption have been met and adopt **Resolution No. 11389** approving a Hardship Exemption from the Environmentally Sensitive Lands Ordinance, Section 6.1071.A.4, requirement of individual lot walls being setback a minimum of fifteen feet from all side and rear property lines, on a 2.1±-acre site with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning.
3. Find that the criteria for special exemptions have been met and adopt **Resolution No. 11390** approving the following Special Exemptions from the Foothills Overlay Ordinance on a 2.1±-acre site with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning:
 - a. Section 6.1004.B.2, requirement for walls/fences over three feet in required front yard setback.
 - b. Section 6.1004.B.3, requirement of the maximum portion of a parcel that may be enclosed by walls/fences.
 - c. Section 6.1004.B.4.a, requirement for walls/fences located separating NAOS from the street.
 - d. Section 6.1004.C.1, requirement for a minimum setback for accessory structures from property line.
 - e. Section 6.1004.C.4, requirement for minimum distance between accessory structures on the same parcel.
 - f. Section 6.1004.E.6, requirement for parking screened from the street and neighboring properties.

Location: 28011 N. 78th Street

Presenter(s): Jesus Murillo, Sr. Planner

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

– Senior Planner Jesus Murillo and Applicant Representative Kurt Jones presentations.

– Councilman Phillips made a motion to find that the conditional use permit criteria have been met and adopt Resolution Nos. 11388, 11389, and 11390. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips and Whitehead voting in the affirmative.

15. [Employee Medical Plans and Premiums](#)

Request: Adopt **Resolution No. 11385** authorizing FY 2019/20 medical and dental plan contribution rates and plan design enhancements.

Presenter(s): Lauran Beebe, Human Resources Manager

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

– **Human Resources Manager Lauran Beebe presentation.**

– **Councilmember Korte made a motion to adopt Resolution No. 11385. Councilman Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.**

16. [City's Proposed Fiscal Year 2019/20 Rates and Fees](#)

Request: Presentation, discussion, and possible direction to staff regarding the City's proposed FY 2019/20 rates and fees.

Presenter(s): Brian Biesemeyer, Water Resources Director; Dan Worth, Public Works Director; Randy Grant, Planning and Development Director; Karen Churchard, Tourism and Events Director; Brian Dygert, WestWorld General Manager; Bill Murphy, Community Services Director; Tom Shannon, Fire Chief

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

– **Presentations from Water Resources Director Brian Biesemeyer, Public Works Director Dan Worth; Planning and Development Director Randy Grant; Fire Chief Tom Shannon; Tourism and Events Director Karen Churchard; WestWorld General Manager Brian Dygert; and Community Services Director Bill Murphy.**

17. [Scottsdale City Flag](#)

Request: Consider rescinding **Resolution No. 11386**, which was adopted on February 19, 2019, and provide possible direction to staff regarding a new City flag. This item was added to the agenda at the request of Mayor Lane and Councilmembers Klapp, Littlefield, Phillips, and Whitehead.

Presenter(s): Kelly Corsette, Communications and Public Affairs Director

Staff Contact(s): Kelly Corsette, Communications and Public Affairs Director, 480-312-2336, kcorsette@scottsdaleaz.gov

– **Communications and Public Affairs Director Kelly Corsette presentation.**

– **Mayor Lane made a motion to rescind Resolution No.11386. Councilwoman Littlefield seconded the motion, which carried 5/2, with Mayor Lane and Councilmembers Klapp, Littlefield, Phillips and Korte voting in the affirmative; and Vice Mayor Milhaven and Councilmember Littlefield dissenting.**

Public Comment – None

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CITIZEN PETITIONS

ITEM 18

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.

18. 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 agendaize 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 – 7:52 P.M.