

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED ITEM NO. 4 AND ADDED ITEM NO. 14A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

Solange Whitehead

Tuesday, August 27, 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 (August 28 or September 17, 2019).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:00 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 – Boy Scout Troop 446

Invocation – Pastor Joel Thompson, Scottsdale Bible Church

Mayor's Report – Mayor Lane invited students to participate in the City's Constitution Day Contest by submitting an essay, art, or video by September 17, 2019.

Presentations/Information Updates – None

Public Comment – Lynn Sullivan, Vice President, Sunflower Estates HOA, commented on damage that was done to Lot 8, which she believes was caused by the adjacent Reserve at Black Mountain construction.

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 [Special Meeting Minutes of June 25, 2019](#), and [July 1, 2019](#); [Regular Meeting Minutes of June 25, 2019](#), [July 1, 2019](#), and [July 2, 2019](#); and Executive Session Minutes of June 25, 2019, and July 1, 2019.

– **Councilmember Korte made a motion to approve the Special Meeting Minutes of June 25, 2019, and July 1, 2019; Regular Meeting Minutes of June 25, 2019, July 1, 2019, and July 2, 2019; and Executive Session Minutes of June 25, 2019, and July 1, 2019. Councilman Phillips 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 1-14A

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.

– **Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 14A, absent Item 4, which was removed at the request of staff, and Item 3, which was moved to the Regular Agenda. 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.**

1. [Over Easy Liquor License \(59-LL-2019\)](#) – **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 a new location and owner.

Location: 11162 N. Frank Lloyd Wright Boulevard, Suite 101

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

2. [Pubblico Italian Eatery Liquor License \(64-LL-2019\)](#) – **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: 7001 N. Scottsdale Road, Suite E-184

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

3. [McDowell Mountain Manor Rezoning \(18-ZN-2018\)](#) – **Vice Mayor Milhaven made a motion to adopt Ordinance No. 4412 and Resolution No. 11562. Councilmember Korte seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, and Phillips voting in the affirmative, and Councilwoman Whitehead dissenting.**

Requests:

1. Adopt **Ordinance No. 4412** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning to Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) zoning on a 40±-acre site.

2. Adopt **Resolution No. 11562** declaring the document titled “*McDowell Mountain Manor*” to be a public record.

Location: Southwest corner of N. Ranch Gate Road and N. 128th Street

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

- ***4. **Carefree Ranch Homesteads Covenant to Maintain Easements and Improvements Agreement**
(Removed at the request of staff.)
5. **Engineering Services Contract for Materials Testing – Approved on Consent.**
Request: Adopt **Resolution No. 11546** authorizing Contract No. 2019-140-COS with Speedie & Associates, Inc., in an amount not to exceed \$500,000 annually, for on-call materials testing services.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
6. **Wireless Communications Antenna Site Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11557** authorizing Agreement No. 2019-147-COS with New Cingular Wireless PCS, LLC, permitting the continued operation of a wireless site.
Location: 28175 N. Pima Road (northeast corner of Pima Road and Dynamite Boulevard)
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
7. **Integrated Corridor Management Project Planning and Construction Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11530** authorizing Agreement No. 2019-105-COS with the Arizona Department of Transportation for integrated corridor management project planning and construction for the Loop 101 Mobility Project.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
8. **Certification Acceptance Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11545** authorizing Agreement No. 2019-139-COS with the Arizona Department of Transportation to administer 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
9. **Disc Golf Course Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11544** authorizing Agreement No. 2019-138-COS with Spinners on the Green, LLC, to enhance and maintain the disc golf course at Vista del Camino Park.
Staff Contact(s): Reed Pryor, Parks and Recreation Director, 480-312-1011, rpryor@scottsdaleaz.gov
10. **Safe Routes to School Coordinator Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11480** to authorize:
 1. The acceptance of an additional \$1,886 for the third of three one-year Transportation Alternatives Program federal grants previously accepted by Resolution No. 11042.
 2. A budget transfer in the amount of \$47,149 from the adopted FY 2019/20 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the grant activity.
 3. The addition of a temporary 0.50 FTE Safe Routes to School Coordinator position in the Transportation Department, for one year, funded by the federal grant and the Transportation Fund for the local match requirement.**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
11. **Emergency Operations Center Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11539** authorizing Agreement No. 2019-113-COS with the Arizona Department of Emergency and Military Affairs for contingent use of each party's emergency operations center during an emergency in which one or the other party's emergency operations center becomes unavailable or compromised.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
12. **City Auditor's Fiscal Year 2019/20 Audit Plan – Approved on Consent.**
Request: Approve the City Auditor's FY 2019/20 Audit Plan, as recommended by the Council's Audit Committee at its June 27, 2019, meeting.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

13. **Gila River General Stream Adjudication – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 11550** authorizing Intergovernmental Agreement No. 2019-142-COS with the Cities of Avondale, Chandler, Glendale, and Mesa for joint legal representation in the Gila River General Stream Adjudication.
2. Adopt **Resolution No. 11551** authorizing Legal Services Contract No. 2019-143-COS with Engelman Berger, P.C. in an amount not to exceed \$38,400 for the continued legal representation in the Gila River General Stream Adjudication for FY 2019/20; and authorizing the City Attorney to approve a one-year extension of the contract.

Staff Contact(s): Joe Padilla, Acting City Attorney, 480-312-2405, jpadilla@scottsdaleaz.gov

14. **Monthly Financial Report – Approved on Consent.**

Request: Accept the FY 2018/19 Monthly Financial Report as of May 2019.

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

***14A. **Daniel Reiss and Courtney Reiss v. City of Scottsdale, et al., Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 11565** authorizing Agreement No. 2019-153-COS with Daniel and Courtney Reiss, in the amount of \$1,500,000, to settle the lawsuit titled *Daniel Reiss and Courtney Reiss v. City of Scottsdale, et al.*, currently pending in Maricopa County Superior Court, Case No. CV2018-010843.

Staff Contact(s): Joe Padilla, Acting City Attorney, 480-312-2405, jpadilla@scottsdaleaz.gov

REGULAR AGENDA

ITEMS 15-16

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.**

15. **Bottled Blonde Conditional Use Permit (17-UP-2012#4)**

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

Resolution No. 11535 approving an amendment to an existing Conditional Use Permit for a bar to include a new second floor roof deck addition for a property with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO) zoning.

Location: 7340 E. Indian Plaza

Presenter(s): Greg Bloemberg, Sr. Planner

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

Senior Planner Greg Bloemberg and Applicant Representative Benjamin Tate presentations.

– Councilwoman Whitehead made an alternate motion to adopt the recommendation made by staff with limited hours of operation. Councilwoman Littlefield seconded the motion, which failed 2/5, with Councilmembers Littlefield and Whitehead voting in the affirmative, and Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, and Phillips dissenting.

– Councilwoman Klapp made a motion finding that the conditional use permit criteria have been met and to adopt Resolution No. 11535, removing the second sentence in Stipulation No. 10. Councilmember Korte seconded the motion, which carried 5/2, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, and Phillips voting in the affirmative, and Councilmembers Littlefield and Whitehead dissenting.

16. [Marquee Rezoning and Development Agreement \(7-ZN-2015#2 and 3-DA-2019\)](#)

Requests:

1. Adopt **Ordinance No. 4413** approving a zoning district map amendment from Downtown/Downtown Multiple Use-Type 2, Planned Block Development, Downtown Overlay (D/DMU-2, PBD, DO) zoning to Downtown/Downtown Multiple Use-Type 3, Planned Block Development, Downtown Overlay (D/DMU-3, PBD, DO) zoning; amending the existing development plan; and proposing a building height of 150±-feet on 2.5± acres of a 9.5±-acre site located at 4419 N. Scottsdale Road and 7235, 7233 E. Shoeman Lane.
2. Adopt **Resolution No. 11533** declaring the document titled “Marquee Development Plan” to be a public record.
3. Adopt **Resolution No. 11555** authorizing Development Agreement No. 2016-021-COS-A1 with Stockdale Galleria Land Owner, LLC, for property generally located at 4419 N. Scottsdale Road.

Presenter(s): Bryan Cluff, Sr. Planner

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

Senior Planner Bryan Cluff and Applicant Representative Jason Morris presentations.

– Vice Mayor Milhaven made a motion to adopt Ordinance No. 4413 approving a zoning district map amendment, Resolution No. 11533 declaring the document titled “Marquee Development Plan” to be a public record, and Resolution No. 11555 authorizing Development Agreement No. 2016-021-COS-A1. Councilmember Korte seconded the motion, which carried 4/3, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp and Korte voting in the affirmative, and Councilmembers Littlefield, Phillips, and Whitehead dissenting.

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.”**

CITIZEN PETITIONS

ITEM 17

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.

17. **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 – 8:25 P.M.