

SCOTTSDALE

CITY COUNCIL MEETING



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

[Removed Item Nos. 7, 9 and 19; Added Item Nos. A1, 18A, 18B, 18C and 18D]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, July 3, 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 (August 28 or 29, 2018).

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 – Mayor Lane asked for a moment of silence to contemplate the blessings enjoyed in this Country for the last 242 years.

Mayor's Report – Mayor Lane announced that Scottsdale's District 6 will host the top teams representing each of the 14 little league districts from across the State in the majors 12 and under division, noting that the Scottsdale Charros and Scottsdale Tourism Department provided funding for the event. Mayor Lane recognized Charros CEO and Executive Director Dennis Robbins and thanked the Charros for its efforts to make the tournament happen.

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

- **Scottsdale Arts Update**

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

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 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.



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 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."

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

Consent Item Nos. 18B and 18C were added to the agenda on June 27, 2018.

Consent Item No. 18D was added to the agenda on June 29, 2018.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is August 28, 2018.

– Councilwoman Littlefield made a motion to accept the agenda as presented.

Councilwoman Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-18D

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 Phillips made a motion to approve Consent Agenda Items 1 through 18D.

Councilwoman Klapp seconded the motion, which carried 7/0.

1. **[JOJO Coffee House Liquor License \(34-LL-2018\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 3712 N. Scottsdale Road, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **[Butters Pancakes & Café No. 1 Liquor License \(35-LL-2018\)](#) – 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: 8300 N. Hayden Road, Suite F104
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **[Butters Pancakes & Café No. 2 Liquor License \(36-LL-2018\)](#) – 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 an existing location with a new owner.
Location: 14795 N. Northsight Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **[Compa Spirits Liquor License \(37-LL-2018\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesale) State liquor license for a new location and owner.
Location: 502 N. Hayden Road, Unit 874
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. **[Oak Street Mini-Mart Liquor License \(38-LL-2018\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) State liquor license for an existing location with a new owner.
Location: 7123 E. Oak Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **[Fellow Liquor License \(39-LL-2018\)](#) – 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 licenses for a new location and owner.
Location: 1455 N. Scottsdale Road, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- ***7. **Koi Poke Liquor License (40-LL-2018)**
(Removed at the request of staff.)
8. **[Maple & Ash Liquor License \(41-LL-2018\)](#) – 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 an existing location with a new owner.
Location: 7135 E. Camelback Road, Suite 130
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- ***9. **Rassner Memorial Scottsdale Library Endowment Allocation**
(Removed at the request of staff.)
10. **[Scottsdale Stadium Concession Agreement](#) – Approved on Consent.**
Request: Adopt **Resolution No. 11196** authorizing Contract No. 2008-075-COS-A2, the second amendment to the Scottsdale Stadium concession agreement with Arizona Sportservice, Inc., modifying the extension provision to allow for up to five successive one-year renewal periods.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
11. **[Library Coffee Café Merchandising Agreement](#) – Approved on Consent.**
Request: Adopt **Resolution No. 11173** authorizing Contract No. 2018-082-COS with the Arizona Department of Economic Security for the operation of a coffee café merchandizing business in the Scottsdale Civic Center Library.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
12. **[Regional Economic Development Marketing Services Contract](#) – Approved on Consent.**
Request: Adopt **Resolution No. 11111** authorizing Contract No. 2018-050-COS with the Greater Phoenix Economic Council in the amount of \$112,708 for regional economic marketing services.
Staff Contact(s): Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov
13. **[Scottsdale Arts Annual Financial Participation Agreement](#) – Approved on Consent.**
Request: Adopt **Resolution No. 11161** authorizing Agreement No. 2018-076-COS with the Scottsdale Cultural Council (doing business as Scottsdale Arts) in the amount of \$4,688,148 to be allocated for activities consistent with Management Services Agreement No. 2008-048-COS. **Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

14. **Water Delivery and Fee Structure Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 11177** authorizing Agreement No. 2018-085-COS with CF Ancala Arcis, LLC, for the Central Arizona Project Turnout Transfer and Water Service Agreement.

Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

15. **United States Army Corps of Engineers and Phoenix Thunderbirds Tolling and Settlement Agreements – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 11193** authorizing Tolling Agreement No. 2018-087-COS with the United States Army Corps of Engineers and, including as an additional party, the Phoenix Thunderbirds, pertaining to alleged violations of the Federal Clean Water Act at the site known as Crossroads East located south of State Route 101 and Hayden Road.
2. Adopt **Resolution No. 11192** authorizing Settlement Agreement No. 2018-086-COS with the United States Army Corps of Engineers and, including as an additional party, the Phoenix Thunderbirds, pertaining to alleged violations of the Federal Clean Water Act at the site known as Crossroads East located south of State Route 101 and Hayden Road.

Location: South of State Route 101 and Hayden Road

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

16. **Scottsdale Sister Cities Association Contract – Approved on Consent.**

Request: Adopt **Resolution No. 11171** authorizing Agreement No. 2018-081-COS with Scottsdale Sister Cities Association, establishing a four-year agreement in the total amount of \$60,000 (\$15,000 annually) for the provision of services in support of the City's relationships with its Sister Cities.

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

17. **Fiscal Year 2017/18 Operating Budget Adjustments – Approved on Consent.**

Request: Adopt **Resolution No. 11194** authorizing FY 2017/18 operating budget adjustments.

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

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

Request: Accept the FY 2017/18 Monthly Financial Report as of April 2018.

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

***18A. **Legal Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 11201** authorizing legal fees to be incurred in Contract No. 2015-023-COS with the law firm of Dickinson Wright PLLC, in an amount not to exceed a total of \$290,000 for the defense of *Stuart et al. v. City of Scottsdale et al.*, Case No. 2:17-cv-01848-DJH, and *Save Our Preserve Political Action Committee of Scottsdale v. City of Scottsdale*, et al., Case No. 2:18-cv-01047-DJH, currently pending in the United States District Court.

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

***18B. **Federal Lobbying and Legal Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 11202** to authorize:

1. Amending Contract No. 18CR016 (City Contract No. 2018-102-COS) with Covington & Burling, L.L.P., in an amount not to exceed \$40,000, to provide federal lobbying and legal services.
2. A FY 2018/19 General Fund Operating Contingency transfer in the amount of \$40,000 to the City Manager's FY 2018/19 Operating Budget to cover the associated operating costs.

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

- ***18C. [November 6, 2018 Special Election Ballot Language](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11203** amending Resolution No. 11124 to simplify and clarify the ballot language for the sales tax question.
Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov
- ***18D. [Drinkwater Bridge Phase 1 Construction Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11204** authorizing CM@Risk Contract No. 2018-103-COS with Haydon Building Corporation in the amount of \$491,665.58 to provide Phase 1 construction services for the Drinkwater Bridge Interim Structural Repairs Project.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 19-21**

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.**

- ***19. **Loss Trust Fund Presentation**
(Removed at the request of staff.)
20. [Monthly Financial Update](#)
Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of May 2018.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– Budget Director Judy Doyle presentation.
21. [Fine Art Tax Elimination](#)
Request: Presentation, discussion, and possible direction to staff regarding the fine art tax elimination.
Presenter(s): Teresa Hoglund, Business Services Manager
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov
– Business Services Manager Teresa Hoglund presentation.

Public Comment – None

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CITIZEN PETITIONS

ITEM 22

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.

22. 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 agenda 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 – 5:38 P.M.