

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

[REWORDED ITEM 16; ADDED ITEM NOS. A1, 13A, AND 16]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

Solange Whitehead

Tuesday, April 7, 2020

Until further notice, Council meetings will be held electronically. While physical facilities are not open to the public, City Council meetings are televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to listen/view the meeting in progress.

Only written comments submitted electronically at least one hour prior to the meeting are being accepted. A written Public Comment may be submitted electronically by clicking on the "click here to submit a comment on an item" link at the top of the agenda.

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

Meeting will be held electronically.

Call to Order – 5:02 P.M.

Roll Call – All present

Members of the Council will be attending the Council Meeting by telephone, video, or Internet conferencing, pursuant to A.R.S. § 38-431(4).

Mayor's Report – Mayor Lane thanked the Scottsdale Fire Department, Scottsdale Charros, and the Rotary Club of Scottsdale for their generous donations to the food bank at Vista del Camino and to the many citizens who have made donations to help their neighbors. Mayor Lane asked for a moment of silence to consider fellow citizens who are suffering during the COVID-19 situation. Mayor Lane read a proclamation in honor of Arbor Day.

MINUTES

Request: Approve the [Special Meeting Minutes of March 3, 2020](#); [Regular Meeting Minutes of March 3, 2020](#); and Executive Session Minutes of March 3, 2020.

– Councilmember Korte made a motion to approve the Special Meeting Minutes of March 3, 2020; Regular Meeting Minutes of March 3, 2020; and Executive Session Minutes of March 3, 2020. Vice Mayor Littlefield seconded the motion, which carried 7/0, by a roll call vote, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.



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.

– Councilmember Korte made a motion, to accept the agenda as presented. Councilwoman Whitehead seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

*****A1. Added Items**

Item Nos. 13A and 16 were added to the agenda on April 1, 2020.

Request: Vote to accept the agenda as presented or continue the added items to the next scheduled Council meeting, which is April 21, 2020.

CONSENT AGENDA ITEMS 1-13A

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. 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. **Action will be taken by a Roll Call vote.**

– Councilwoman Klapp made a motion to approve Consent Agenda Items 1 through 13A. Councilmember Korte seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

1. **Scottsdale Burger Bar Liquor License (107-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: 23535 N. Scottsdale Road, Suite 101
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Stratta Lifestyle Kitchen Liquor License (27-LL-2020) – 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: 8260 N. Hayden Road, Suite A102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Water Line Easement – Approved on Consent.**
Request: Adopt **Resolution No. 11751** authorizing the acceptance of a waterline easement dedication from Paradise Valley Plaza Owners Association to allow for the construction of waterline and fire protection improvements.
Location: Southeast corner of Shea Boulevard and Scottsdale Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
4. **Wireless Communications Antenna Site Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11608** authorizing Agreement No. 2020-034-COS with Cellco Partnership dba Verizon Wireless permitting the continued operation of a wireless site.
Location: 7337 E. Indian Bend Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

5. **Wireless Communications Antenna Site Revocable License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11663** authorizing Agreement No. 2020-001-COS with Cellco Partnership dba Verizon Wireless permitting the continued operation of a wireless site.
Location: 10701 E. Bell Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
6. **Water Resources Treatment Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 11746** authorizing the following contracts for a two-year term, in an amount not to exceed \$15,000,000 per contract, for citywide water resources treatment services:
 1. Contract No. 2020-055-COS with Currier Construction, Inc.
 2. Contract No. 2020-056-COS with Garney Companies, Inc.
 3. Contract No. 2020-057-COS with MGC Contractors, Inc.
 4. Contract No. 2020-058-COS with Schofield Civil Construction, LLC**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
7. **Water Resources Underground Infrastructure Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 11747** authorizing the following contracts for a two-year term, in an amount not to exceed \$10,000,000 per contract, for citywide water resources underground infrastructure services:
 1. Contract No. 2020-059-COS with Achen-Gardner Construction, LLC
 2. Contract No. 2020-060-COS with B&F Contracting, Inc.
 3. Contract No. 2020-061-COS with Garney Companies, Inc.
 4. Contract No. 2020-062-COS with Markham Contracting Co., Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
8. **Surveying Services Engineering Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 11756** authorizing the following contracts for a two-year term, in an amount not to exceed \$1,000,000 per contract, for on-call surveying services:
 1. Contract No. 2020-065-COS with Aztec Engineering Group, Inc.
 2. Contract No. 2020-066-COS with T2 UES, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
9. **Civil/Site Work Construction Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 11750** authorizing the following contract modifications for the third option year in an amount not to exceed \$5,000,000 per contract for citywide civil/site work construction services:
 1. Contract No. 2016-037-COS-A3 with DBA Construction, Inc.
 2. Contract No. 2016-038-COS-A3 with Nesbitt Contracting Co., Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
10. **53 – Build Multi-Use Sports Fields in the Area of Bell Road Engineering Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 11762** to authorize:
 1. Contract No. 2020-068-COS with Gavan & Barker, Inc., in an amount not to exceed \$561,872, to provide engineering services for Bond 2019 Project 53 – Build Multi-Use Sports Fields in the Area of Bell Road.
 2. The City Manager, or designee, to initiate a Municipal Use Master Site Plan for Bond 2019 Project 53 – Build Multi-Use Sports Fields in the Area of Bell Road.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

11. **Old Town Scottsdale Bicycle Master Plan Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11742** authorizing Agreement No. 2020-053-COS with Maricopa Association of Governments for the development of the Old Town Scottsdale Bicycle Master Plan for a total program cost of \$173,215.16 with a City of Scottsdale match in the amount of \$34,643.03.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
12. **Transit Services Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 11740** authorizing Agreement No. 2018-126-COS-A2, the second amendment to the agreement with the Regional Public Transportation Authority, in the amount of \$195,186, for FY 2019/20 transit services, effective July 1, 2019.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
13. **Reappointment of Pro Tem Judges for City Court – Approved on Consent.**
Request: Adopt **Resolution No. 11726** authorizing the following reappointments of Pro Tem Judges for a four-year term for the period of May 18, 2020, through May 17, 2024: James Blomo, Jacqueline Kochis-Chapman, Susan Kayler, Lori Metcalf, Peter Reinstein, and Robert Ventrella.
Staff Contact(s): Joseph Olcavage, Presiding Judge, 480-312-2775, c/o kkung@scottsdaleaz.gov
- ***13A. **Designate Applicant Agent for Public Assistance – Approved on Consent.**
Request: Adopt **Resolution No. 11779** authorizing and designating the City Treasurer to act as the City's agent for public assistance, to execute and file applications for public assistance in the appropriate state offices, and to provide information to federal and state authorities for the purpose of obtaining disaster and public assistance during the COVID-19 public health emergency.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

REGULAR AGENDA ITEMS 14-16

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. **Action will be taken by a Roll Call vote.**

14. **Proposed Fiscal Year 2020/21 Operating Budget and Capital Improvement Plan**
Request: Presentation, discussion, and possible direction to staff regarding the Proposed FY 2020/21 Operating Budget and Capital Improvement Plan.
Presenter(s): Judy Doyle, Budget Director; Dave Lipinski, City Engineer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– Budget Director Judy Doyle and City Engineer Dave Lipinski presentations.
– Councilmembers suggested:
 - **Revise the budget to reflect decreased revenues and expenses.**
 - **Provide scenarios if revenues are down 10% (15%, 20%, 25%), what would that look like?**
 - **Decrease the budget by 10% to decrease maximum spending authority.**
 - **Postpone some of the bond projects.**
 - **Postpone the Palmeraie Undergrounding Project.**
 - **Postpone or defer any salary increases.**
 - **Maintain last year's budget for this fiscal year.**
 - **Do not include any rate or fee increases, especially a stormwater fee or the 2% increase in the primary tax rate, in the proposed budget.**
 - **Review contracts and contract workers for possible elimination from the budget.**
 - **Schedule a meeting in late April or early May to review a revised budget.**

15. **Scottsdale Public Library Late-Fine Free**

Request:

1. Adopt **Resolution No. 11745** authorizing the Scottsdale Public Library becoming a late-fine free library without an adverse impact to the current operating budget as recommended by the Scottsdale Library Board and establishing an effective date of July 1, 2020.

OR

2. Adopt a motion to direct staff to continue the Library's Amnesty Program through May 31, 2020, and report back to Council with Scottsdale community specific results relating to the impact of fine elimination and the fiscal impact on the Library's operating budget.

Presenter(s): Bill Murphy, Assistant City Manager; Kira Peters, Library Director

Staff Contact(s): Kira Peters, Library Director, 480-312-2691, kcpeters@scottsdaleaz.gov

– Assistant City Manager Bill Murphy and Library Director Kira Peters presentations.

– Councilmember Korte made a motion to adopt Resolution No. 11745 authorizing the Scottsdale Public Library becoming a late-fine free library without adverse impact to the current operating budget as recommended by the Scottsdale Library Board and establishing an effective date of July 1, 2020. Councilwoman Klapp seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

***16. **Southbridge Two – Request to Repeal (22-ZN-2018, 19-AB-2018, and 4-DA-2019)**

Request(s):

1. Adopt **Ordinance No. 4449** authorizing the repeal of Ordinance No. 4422 that approved a Zoning District Map Amendment from Central Business, Downtown Overlay (C-2 DO) and Downtown/Retail Specialty – Type 1, Downtown Overlay (D/RS-1 DO) to Downtown/Downtown Core – Type 1, Planned Block Development Downtown Overlay (D/DC-1 PBD DO), Downtown/Downtown Multiple Use – Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) and Downtown/Downtown Multiple Use – Type 3, Planned Block Development, Downtown Overlay (D/DMU-3 PBD DO), including approval of a Development Plan, with amended development standards, for a mixed-use development on a 9.94±-acre site.
2. Adopt **Resolution No. 11774** authorizing the repeal of Resolution No. 11575 that declared "Southbridge Two Development Plan" to be a public record.
3. Adopt **Resolution No. 11773** authorizing the repeal of Resolution No. 11577 (Site A), Resolution No. 11578 (Site C), Resolution No. 11579 (Site D), and Resolution No. 11646 (Portico) that abandoned multiple alley and other rights-of-way to allow development of a large, mixed-use development, with various zoning districts.
4. Adopt **Resolution No. 17775** authorizing Termination of Development Agreement No. 2019-164-COS-A1 with Scottsdale Canal Project, LLC, and Hermosa Inn Restaurant, LLC.
5. Adopt **Resolution No. 11776** authorizing Termination of Purchase and Sale Agreement No. 2019-199-COS-A1 with Scottsdale Canal Project, LLC.

Locations: Near the intersections of E. 5th Avenue and N. Marshall Way, E. 5th Avenue and N. Goldwater Boulevard, E. 5th Avenue and N. Scottsdale Road, E. 6th Avenue and E. Stetson Drive.

Presenter(s): Brad Carr, Principal Planner

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

– Planning and Development Services Director Randy Grant presentation.

– Councilmember Korte made a motion to:

- (1) Adopt Ordinance No. 4449 authorizing the repeal of Ordinance No. 4422 that approved a zoning district map amendment; and**
- (2) Adopt Resolution No. 11774 authorizing the repeal of Resolution No. 11575 to be a public record.**
- (3) Adopt Resolution No. 11773 authorizing the repeal of Resolution No. 11577 (Site A), Resolution No. 11578 (Site C), Resolution No. 11579 (Site D), and Resolution No. 11646 (Portico) that abandoned multiple alley and other rights-of-way to allow development of a large, mixed-use development, with various zoning districts.**

- (4) Adopt Resolution No. 17775 authorizing Termination of Development Agreement No. 2019-164-COS-A1 with Scottsdale Canal Project, LLC, and Hermosa Inn Restaurant, LLC.
- (5) Adopt Resolution No. 11776 authorizing Termination of Purchase and Sale Agreement No. 2019-199-COS-A1 with Scottsdale Canal Project, LLC.
Councilwoman Milhaven seconded the motion, which carried 4/3, by roll call vote, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven voting in the affirmative, and Vice Mayor Littlefield and Councilmembers Phillips and Whitehead dissenting.

Mayor and Council Items – Councilmember Korte made a motion to ask the City Manager to develop a presumption for care and sick leave program for employees related to the COVID-19 virus, identify a source of funding, and return to the Council with a plan as soon as possible. Councilman Phillips seconded the motion, which carried 7/0, by roll call vote, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

Adjournment – 7:51 P.M.