

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Monday, January 11, 2016

Unless an exception is made, or unless otherwise noted:

Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment).

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 (January 19, 2016 Study Session or January 26, 2016 Council Meeting).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:12 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 – Pack 682, Webelos Den, Mike Slominski and Mike Coppo leaders

Invocation – Former Councilman Dennis Robbins

Mayor's Report – Mayor Lane recognized former Senator Carolyn Allen and former City Manager Dick Bowers, who were attending tonight's meeting. Mayor Lane spoke on the recent loss of a dear friend and employee, City Engineer Derek Earle.

Presentations/Information Updates

- **Landscape Architecture Medal of Excellence Award and McDowell Sonoran Conservancy Proclamation – McDowell Sonoran Conservancy President John McEnroe, Strategic Projects/Preserve Director Kroy Ekblaw, and Society of Landscape Architects Fellow Chris Brown.**

Presenter(s): Kroy Ekblaw, Strategic Projects/Preserve Director; Mike Nolan, Executive Director of the McDowell Sonoran Conservancy

Public Comment – Sally Krieg and Gary Eastwood expressed safety and traffic concerns regarding the proposed Charter Basis School.



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).

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. 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 [Special Meeting Minutes of December 1, 2015](#) and [December 2, 2015](#); [General Plan Amendment Meeting Minutes of December 1, 2015](#); [Regular Meeting Minutes of November 17, 2015](#) and [December 2, 2015](#); [Work Study Session Minutes of November 17, 2015](#); [Joint Council Meeting Minutes of December 15, 2015](#); and Executive Session Minutes of December 2, 2015.

– Councilman Phillips made a motion to approve the Special Meeting Minutes of December 1, 2015, and December 2, 2015; General Plan Amendment Meeting Minutes of December 1, 2015; Regular Meeting Minutes of November 17, 2015, and December 2, 2015; Work Study Session Minutes of November 17, 2015; Joint Council Meeting Minutes of December 15, 2015; and Executive Session Minutes of December 2, 2015. Councilwoman Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA **ITEMS 1-31**

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 31, absent Item 20, which was removed from the agenda at the request of staff. Councilmember Korte seconded the motion, which carried 7/0.

1. **[Majerle's Sports Grill Liquor License \(113-LL-2015\)](#) – Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 6 (bar) State liquor license for an existing location and owner, new license series.

Location: 4425 N. Saddlebag Trail, Suites 101 and 105

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

2. **[TYC Liquor License \(114-LL-2015\)](#) – Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing Series 6 (bar) State liquor license.

Location: 7301 E. Indian Plaza

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

3. **[Zen Asian Kitchen Liquor License \(115-LL-2015\)](#) – 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: 15544 N. Pima Road

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

4. **6th Avenue Restaurant Liquor License (116-LL-2015) – 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: 7341 3. 6th Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Arthaworks Liquor License (117-LL-2015) – 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: 7320 E. Butherus Drive, Suite 103
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Wildfish Seafood Grille No. 8504 Liquor License (118-LL-2015) – 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
7. **Eddie V's Prime Seafood No. 8510 Liquor License (119-LL-2015) – 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: 15323 N. Scottsdale Road, Suite E1-160
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **Capital Grille of Scottsdale No. 8024 Liquor License (120-LL-2015) – 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: 16489 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Egg N' Joe Liquor License (121-LL-2015) – 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: 23271 N. Scottsdale Road, Suite A101
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **Circle K Stores Conditional Use Permit (1-UP-2013) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 10288 approving a Conditional Use Permit for a gas station on a 28,657 square-foot parcel with Highway Commercial (C-3) zoning.
Location: 4440 N. Miller Road and 7555 E. Camelback Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
11. **Verizon PHO Pima and McDonald Conditional Use Permit (11-UP-2015) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 10292 approving a Conditional Use Permit for a new Type 4, Alternative Concealment Wireless Communication Facility in the form of a 59-foot-tall artificial palm tree with Open Space (O-S) and Neighborhood Commercial (C-1) zoning.
Location: 8732 E. McDonald Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

12. **[Scottsdale National Golf Club Abandonment \(1-AB-2015\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10291** authorizing the abandonment of portions of right-of-way and roadway and public utilities easements located along N. 116th Street, the N. 117th Street alignment, N. 118th Street, E. Dixileta Drive, E. Morning Vista Road, Via Dona Road, and the E. Dale Lane alignment for property with Single-Family Residential District, Environmentally Sensitive Lands (R1-190/ESL) zoning, Single-Family Residential District and Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R/ESL) zoning.
Location: Northeast corner of N. 118th Street and E. Rio Verde Drive (E. Dynamite Boulevard)
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
13. **[Minnezona and 73rd Abandonment \(9-AB-2015\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10285** authorizing the abandonment of 176± square-feet of right-of-way along N. 73rd Street and 86± square-feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel with Multiple-Family Residential, Downtown Overlay (R-5 DO) zoning.
Location: Adjacent to 7301 E. Minnezona Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
14. **[McDowell Mountain Marketplace Shops Pad B and Parcel R Rezoning \(11-ZN-2015\)](#) – **Approved on Consent.**
Request: Adopt **Ordinance No. 4233** approving a zoning district map amendment to amend the development plan zoning stipulations for a new turning lane and new driveway on a 13± acre site with Planned Community Center, Environmentally Sensitive Lands (PCC, ESL) zoning.
Location: 10199 E. Bell Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
15. **[8404 E. Pinnacle Peak Rezoning \(13-ZN-2015\)](#) – **Approved on Consent.**
Request: Adopt **Ordinance No. 4234** approving a zoning district map amendment to amend the Single-Family Residential District, Planned Residential District (R1-70/PRD) zoning designation, with amended development standards, and amend the development plan for the Pinnacle Paradise Development, for a portion of the original Pinnacle Paradise Tract “A” only, to allow for a new Single-Family lot on a 0.62± acre site.
Location: 8404 E. Pinnacle Peak Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
16. **[In Lieu Transportation Fee Payments Budget Adjustments](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10275** authorizing four FY 2015/16 capital improvement plan budget adjustments related to in lieu transportation fee payments received.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
17. **[Acquisition of Public Non-Motorized Access Easements](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10301** authorizing the acquisition of two public non-motorized access easements to complete the Mountain View Trail.
Location: Northeast corner of E. Shea Boulevard and N. 124th Street to the northeast corner of 124th Street and the Central Arizona Project canal
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
18. **[Capital Improvement and Facilities Projects On-Call Electrical Engineering Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10296** authorizing Contract No. 2013-185-COS-A2 with Kimley-Horn and Associates, Inc., for the third year option.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**

19. **Capital Improvement and Facilities Projects On-Call Structural Engineering Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10297** authorizing the following contracts for the third year option:
 1. Contract No. 2014-001-COS-A2 with Caruso Turley Scott, Inc.
 2. Contract No. 2014-002-COS-A2 with Gannett Fleming, Inc.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
20. **Engineering Services Contract for On-Call Intelligent Transportation Systems – Removed at the request of staff.**
Request: Adopt **Resolution No. 10315** authorizing Contract No. 2016-006-COS with Kimley-Horn and Associates, Inc., in an amount not to exceed \$1,000,000 per year, for the planning and design of various intelligent transportation systems projects.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
21. **Engineering Services Contract for Zone 2 Water System Improvements – Approved on Consent.**
Request: Adopt **Resolution No. 10316** authorizing Contract No. 2016-007-COS with GHD, Inc., for engineering services to design the Zone 2 Water System Improvements.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
22. **Farm and Craft Restaurant Outdoor Dining License Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 10310** authorizing Agreement No. 2011-103-COS-A1 with Velasco Holdings, LLC, to reduce the size of the patio.
Location: 4302 N. Scottsdale Road
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
23. **Rassner Memorial Scottsdale Library Endowment Allocation – Approved on Consent.**
Request: Adopt **Resolution No. 10323** authorizing the distribution of interest income in the amount of \$21,042 from the Rassner Memorial Scottsdale Library Endowment to the Scottsdale Public Library to purchase educational equipment and improvements to the youth area at the Civic Center Library, as recommended by the Library Board.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
24. **Scottsdale Stadium Infrastructure Improvements Budget Transfers – Approved on Consent.**
Request: Adopt **Resolution No. 10332** to authorize:
 1. A \$150,000 Stadium Improvement IGA funding source budget transfer and a \$6,000 General Fund funding source transfer from the Scottsdale Stadium Infrastructure Improvements project to a newly created capital project titled Scottsdale Stadium and Indian School Park Scoreboards.
 2. A \$250,000 Stadium Improvement IGA funding source budget transfer and a \$14,000 General Fund funding source transfer from the Scottsdale Stadium Infrastructure Improvements project to a newly created project titled Scottsdale Stadium Masterplan.**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
25. **Audit Committee Recommendation for Environmental Quality Advisory Board Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 10307** accepting the Audit Committee's recommendation and authorizing the continuation of the Environmental Quality Advisory Board.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
26. **Transit Service Intergovernmental Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 10250** authorizing Agreement No. 2014-054-COS-A3 with the City of Phoenix to decrease the cost from \$1,981,976 to \$1,878,356 for the provision of fixed route transit service for FY 2015/16.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

27. [Crosscut Canal Bridge and Path Capital Project Intergovernmental Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10309** authorizing Agreement No. 2013-138-COS-A3 with the City of Phoenix in the amount of \$510,330, of which \$445,407 is federal funding and \$64,923 is the Transportation Sales Tax local match, for the purpose of funding the Crosscut Canal Bridge and Path capital project.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
28. [Fiesta Bowl Rugby & Balloon Classic Event – Approved on Consent.](#)
Request: Adopt **Resolution No. 10311** to authorize:
1. Funding not to exceed \$75,000 from the City portion of bed tax carry over funding for the Fiesta Bowl Rugby & Balloon Classic event.
2. New Event Funding Agreement No. 2016-002-COS with Rugby Bowl, LLC.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
29. [2016 PRCA Wrangler Champion Challenge Event – Approved on Consent.](#)
Request: Adopt **Resolution No. 10326** to authorize:
1. Funding not to exceed \$75,000 from the City portion of bed tax allocated for one-time use for capital projects, events and event development, or administration and research for the 2016 PRCA Wrangler Champion Challenge event.
2. New Event Funding Agreement No. 2016-012-COS with Parada del Sol, Inc.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
30. [Administrative Citations and Ephedrine and Pseudoephedrine Code Amendments – Approved on Consent.](#)
Request: Adopt **Ordinance No. 4235** to:
1. Repeal Chapter 22 of the Scottsdale Revised Code relating to the administrative hearing process for administrative citations.
2. Repeal Sections 19-22 and 19-23 of Chapter 19, Article I of the Scottsdale Revised Code relating to products containing ephedrine or pseudoephedrine.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
31. [Hill v. City of Scottsdale Settlement Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10322** authorizing settlement in the amount of \$90,000 of Angela Hill and Brent Hill's negligence lawsuit against the City entitled *Hill v. City of Scottsdale*, Case No. CV2013-015416, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA

ITEMS 32-35

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.**

32. [Rockbar Outdoor Dining License Agreement Amendment](#)

Request: Adopt **Resolution No. 10255** authorizing Agreement No. 2004-010-COS-A1 with J.E. Southwest Group Real Estate, LLC. The license area is a 440 square-foot portion of a 16-foot public alley located immediately north of the 4245 N. Craftsman Court building. This building has been occupied since June 2011, by Rockbar, Inc., as a bar/live music venue known as Rockbar and will now have a kitchen and food service requirement.

Presenter(s): Daniel Worth, Public Works Director

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

– **Public Works Director Daniel Worth and Applicant Court Rich presentations.**

– **Vice Mayor Smith made a motion to reject Resolution No. 10255. Councilwoman Littlefield seconded the motion, which failed 2/5, with Mayor Lane and Councilmembers Klapp, Korte, Milhaven, and Phillips dissenting.**

– **Councilmember Korte made a motion to adopt Resolution No. 10255 authorizing the contract amendment No. 2004-010-COS-A1 with J.E. Southwest Group Real Estate, LLC.**

Councilwoman Klapp seconded the motion, which carried 5/2, with Vice Mayor Smith and Councilwoman Littlefield dissenting.

33. [Desert Discovery Center Consulting Services Agreement](#)

Request: Authorize **Resolution No. 10261** to authorize:

1. Agreement No. 2015-234-COS with Desert Discovery Center Scottsdale, Inc., for management services to produce a business plan and feasibility analysis.
2. A FY 2015/16 General Fund Capital Contingency budget appropriation transfer in the amount of \$1,696,900 to a newly created capital improvement project titled Desert Discovery Center Business Plan and Feasibility Analysis, to be funded by Tourism Development Funds.
3. Initiation of an amendment to the existing Municipal Use Master Site Plan for a Desert Discovery Center on 30± acres of City-owned land located north of the existing Gateway to the Preserve Trailhead on Thompson Peak Parkway.

Presenter(s): Kroy Ekblaw, Strategic Projects/Preserve Director

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

– **Public Works Director Daniel Worth presentation.**

– **Councilman Phillips made a motion to continue discussion to the next Council meeting and direct City staff to work with the DDCS to incorporate the suggested amendments from the Mayor and Vice Mayor. The motion died for lack of a second.**

Council suggested the following amendments to Agreement No. 2015-234-COS:

- **Strike section 207 of the scope of work.**
- **Add the following sentence to section 211 of the scope of work in the first paragraph after the end of the fourth sentence: “The DDCS will consider and address implementation of staged development of the DDC and shall include such staged development in the capital and operating business plans.”**
- **Add the following sentence at the end of section 303: “The DDCS will seek to work collaboratively with the McDowell Sonoran Conservancy to accomplish the purposes of this section.”**
- **Add the McDowell Sonoran Conservancy to the list in the last sentence of section 201.**
- **Add the following at the end of the first sentence in section 210: “. . . and consider and address the implementation of a multi-staged plan.”**
- **Add the following sentence at the end of the second sentence of the third paragraph in section 308 of the scope of work: “The DDCS is committed to working towards a goal of raising 10% of the capital cost of the DDC and to developing a plan to adequately cover annual operating costs.”**

– **Councilwoman Klapp made a motion to table the item. Councilmember Korte seconded the motion, which carried 7/0.**

– Councilmember Korte made a motion to take Item 33 off the table and return it to the agenda. Councilwoman Klapp seconded the motion, which carried 7/0.

– Councilwoman Littlefield made an alternate motion to adopt Resolution 10261, but lower the amount to \$996,900 by deleting the \$700,000 requested to pay for the architectural services to provide additional preliminary plans. Any plans which are deemed necessary for processing a Municipal Use Master Site Plan shall not be a part of the \$996,900. Additionally no application for revisions to the Municipal Use Master Site Plan shall be processed until a conceptual plan and its economic feasibility is reviewed by Council and approved by public vote, and include changes and stipulations to the agreement as described by the City Attorney. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Smith; and Councilmembers Klapp, Korte, and Milhaven dissenting.

– Councilmember Korte made a motion adopt Resolution 10261 authorizing: (1) the Mayor to sign Contract 2015-234-COS for management services with Desert Discovery Center Services, Inc.; (2) a FY 2015/16 General Fund capital contingency budget appropriation transfer in the amount of \$1,696,900 to newly created capital improvement project to be titled Desert Discover Center Business Plan and Feasibility Analysis that will be funded by tourism development funds; and (3) initiation of an amendment to the existing Municipal Use Master Site Plan for a Desert Discovery Center on approximately 30 acres of the city-owned land located north of the existing Gateway to the Preserve Trailhead on Thompson Peak Parkway; and modifying Agreement No. 2015-234-COS to:

- Strike section 207 of the scope of work.
- Add the following sentence to section 211 of the scope of work in the first paragraph after the end of the fourth sentence: “The DDCS will consider and address implementation of staged development of the DDC and shall include such staged development in the capital and operating business plans.”
- Add the following sentence at the end of section 303: “The DDCS will seek to work collaboratively with the McDowell Sonoran Conservancy to accomplish the purposes of this section.”
- Add the McDowell Sonoran Conservancy to the list in the last sentence of section 201.
- Add the following at the end of the first sentence in section 210: “. . . and consider and address the implementation of a multi-staged plan.”
- Add the following sentence at the end of the second sentence of the third paragraph in section 308 of the scope of work: “The DDCS is committed to working towards a goal of raising 10% of the capital cost of the DDC and to developing a plan to adequately cover annual operating costs.”

Councilwoman Milhaven seconded the motion, which carried 6/1, with Councilwoman Littlefield dissenting.

34. [The Scottsdale Dispensary Conditional Use Permit \(9-UP-2015\)](#)

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

Resolution No. 10289 approving a Conditional Use Permit for a Medical Marijuana Use (dispensary) in a 3,770± square-foot facility with Industrial Park (I-1) zoning.

Location: 14980 N. 78th Way, Suites 204 and 207

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 Mike Colburn presentations.

– Councilwoman Klapp made a motion to find that the conditional use permit criteria have been met and adopt Resolution No. 10289 approving a Conditional use Permit for a Medical Marijuana Use (dispensary) in a 3,770± square-foot facility located at 14890 N. 79th Way, Suites 204 and 207 with Industrial Park (I-1) zoning. The motion died for lack of a second.

- Vice Mayor Smith made a motion to reject Resolution No. 10289. The motion died for lack of a second.
- Councilman Phillips made a motion finding the conditional use permit criteria have been met and to adopt Resolution No. 10289 approving a Conditional Use Permit for a Medical Marijuana Use, with an amendment to Stipulation 5 changing the CUP term from five years to one year. Councilwoman Klapp seconded the motion, which carried 6/1, with Vice Mayor Smith dissenting.

35. **Dispensary Relocation Conditional Use Permit (10-UP-2015)**

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

Resolution No. 10290 approving a Conditional Use Permit for a Medical Marijuana Use (dispensary) in a 6,800± square-foot facility with Industrial Park (I-1) zoning.

Location: 15190 N. Hayden 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 Brian Cluff and applicant Court Rich presentations.

– Councilmember Korte made a motion to find that the conditional use permit criteria have been met and adopt Resolution No. 10290 approving a Conditional Use Permit for a Medical Marijuana Use at the 15190 N. Hayden Road site, with an amendment to Stipulation 5 changing the CUP term from five years to one year. Councilwoman Littlefield seconded the motion, which carried 6/1, with Vice Mayor Smith dissenting.

Public Comment – None

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk.

Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. 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 36

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.

36. **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 37-38

37. **Initiate City Council Review of the Development Review Board’s November 19, 2015 Decision Regarding 50-DR-2015 (Verizon PHO Stonegate)**

Request: At the request of Councilman Phillips, consider whether to initiate a formal City Council review of the Development Review Board's November 19, 2015 decision, which approved a new Type 3 Wireless Communication Facility (WCF) to be placed within two new 30-foot tall artificial Saguaro cacti, with associated equipment located in and screened by the 7-foot-tall masonry block wall of the existing Scottsdale Ranch Community maintenance yard near the northeast corner of the intersection located at East Mountain View Road and North 111th Street.

Note: The only Council action to be taken on Item No. 37 is a decision on whether to initiate a formal City Council review of the Development Review Board's November 19, 2015 decision regarding 50-DR-2015 (Verizon PHO Stonegate), which would then be scheduled for a future Council meeting. Therefore, no public comment will be taken at this time.

– Councilman Phillips made a motion to initiate Council review of the Development Review Board's November 19, 2015, decision regarding 50-DR-2015. Councilwoman Littlefield seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven dissenting.

– Councilwoman Littlefield made a motion to direct staff to agendize, as quickly as feasible, an item for discussion and possible Council direction to: (1) Modify the City's zoning ordinance to increase the separation required between medical marijuana dispensaries, other possible restrictions on the locations of dispensaries, and any other considerations of change; and (2) place a moratorium on all future medical marijuana dispensary cases on hold until the study of the ordinance is complete. Mayor Lane seconded the motion, which carried 7/0.

38. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for January 26, 2016)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Building Advisory Board of Appeals (*two vacancies*)

Citizens' Bond Oversight Committee (*seven vacancies*) – Councilman Phillips nominated Douglas Reed; Councilwoman Littlefield nominated John Barwell, Sam Edmondson, Judy Frost, Charles Kaufman, Alex McLaren, and Brion Neely; Councilwoman Milhaven nominated Dana Close, Wayne Ecton, and Bill Heckman

Environmental Quality Advisory Board (*one vacancy*) – Councilwoman Littlefield nominated Arnold Siegel

Human Services Commission (*one vacancy*) – Councilwoman Milhaven nominated Denny Brown, Mayor Lane nominated Edmund Portnoy, Councilman Phillips nominated Michael Cavanaugh

Industrial Development Authority (*one vacancy*) – Councilwoman Klapp nominated Shannon Scutari, Mayor Lane nominated Andrew Armstrong

Tourism Advisory Task Force (*three vacancies*) – Mayor Lane nominated Ace Bailey, Allen Henderson, and Carmela Lizzo; Councilmember Korte nominated Mallard Owen; Vice Mayor Smith nominated Scott Eubanks, French Thompson, and Sandra Schenkat

Tourism Development Commission (*one Hotelier vacancy*) – Councilmember Korte nominated Robert McCreary, Councilman Phillips nominated Trey Brennen

Note: The only Council action to be taken on Item No. 38 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

Adjournment – 10:30 P.M.