

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 5, 2017**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:05 P.M. on Tuesday, December 5, 2017, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane; Vice Mayor Virginia L. Korte; and Councilmembers Suzanne Klapp, Kathleen S. Littlefield, Linda Milhaven, Guy Phillips, and David N. Smith

Also Present: City Manager Jim Thompson, City Attorney Bruce Washburn, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Councilwoman Klapp

INVOCATION – Mayor Lane reminded everyone that Scottsdale is proclaimed to be a Golden Rule City. He requested a moment of silence to reflect on the simple "Golden Rule" that encourages us to treat others as we would like to be treated.

MAYOR'S REPORT

Mayor Lane announced that Scottsdale was named among the top 10 "Digital Cities" for the fifth consecutive year.

PRESENTATIONS

- **Experience Scottsdale Update**
Presenter(s): Rachel Sacco, President and CEO

Experience Scottsdale President and CEO Rachel Sacco gave a PowerPoint presentation (attached) on Experience Scottsdale's 2017 activities.

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

- Marietta Strano commented on the closure of the Civic Center Library café.
- Kathy Hotchner spoke about Detour Company Theatre productions.

CONSENT AGENDA

1. **Caramba Liquor License (89-LL-2017)**

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: 7318 E. Shea Boulevard, Suite 101

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

2. **Rack Liquor License (90-LL-2017)**

(Moved to the Regular Agenda, see Page 6.)

3. **Permanent Extension of Premises for 21 Degrees Cigar (4-EX-2017)**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing Series 7 (beer and wine bar) State liquor license to add an enclosed patio for an existing location.

Location: 9375 E. Shea Boulevard, Suite 175

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

4. **Permanent Extension of Premises for Michael Dominick's Lincoln Avenue Prime Steakhouse (5-EX-2017)**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing Series 12 (restaurant) State liquor license.

Location: 15169 N. Scottsdale Road, Suite C100

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

5. **Storyrock Abandonment (4-AB-2017)**

Request: At the request of staff, continue to January 8, 2018.

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

6. **Gustafson Abandonment (6-AB-2017)**

Request: Adopt **Resolution No. 10968** authorizing the abandonment of the western 33-foot GLO half-street located along N. 71st Street, adjacent to the eastern boundary of 7077 E. Wildcat Drive, with Single-Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.

Location: 7077 E. Wildcat Drive (Parcel No. 216-67-160)

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

- 7. Skye on McDowell Phase II Final Plat (1-PP-2016#2)**
Request: Approve the final plat for Phase II of the Skye on McDowell residential subdivision, consisting of 24 lots added to the existing 55-lot subdivision, with Multi-Family Residential (R-5) District zoning.
Location: 6801 E. McDowell Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- 8. 110th & Shea Final Plat (4-PP-2017)**
Request: Approve the final plat for a new residential subdivision, comprised of nine lots and five tracts, on a 3.1±-acre site with Medium Density Residential (R-3) zoning.
Location: 10915 and 10965 E. Shea Boulevard
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- 9. Rose Lane Commercial Parcel Non-Major General Plan Amendment and Rezoning (9-GP-2016 and 22-ZN-2016)**
Requests:
 1. Adopt **Resolution No. 10966** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map to change the land use map designation from Resort/Tourism to Neighborhood Commercial on a 2.6±-acre site.
 2. Adopt **Ordinance No. 4327** approving a zoning district map amendment from Resort/Townhouse Residential (R-4R) zoning to Neighborhood Commercial (C-1) zoning on a 2.6±-acre site.**Location:** 6160 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- 10. North 70 Non-Major General Plan Amendment and Rezoning (5-GP-2017 and 12-ZN-2017)**
Requests:
 1. Adopt **Resolution No. 10967** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map to change the land use map designation from Urban Neighborhoods to Suburban Neighborhoods on the eastern 5± acres (Parcel No. 129-13-005A) of a 9.9±-acre site.
 2. Adopt **Ordinance No. 4328** approving a zoning district map amendment from Manufactured Home (M-H) zoning to Multiple-Family Residential (R-5) zoning on a 9.9±-acre site.**Location:** 7010 E. Continental Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- 11. Legal Protest Text Amendment (3-TA-2017)**
Request: Adopt **Ordinance No. 4329** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Section 1.102. (Severability), Section 1.706. (Legal protest by property owners), Section 3.100. of Article III. (Definitions), Section 4.100. (Division of City into Districts; Enumeration), and Section 4.201. (Rules where uncertainty may arise) to update the legal protest provisions and other applicable sections to be consistent with Arizona Revised Statutes.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

- 12. Drinkwater Bridge Repairs**
Request: Adopt **Resolution No. 10980** authorizing a FY 2017/18 Contingency for Future Grants budget appropriation transfer in the amount of \$750,000 to a newly created Capital Improvement Project to be titled Drinkwater Bridge Interim Structural Repairs, to be funded by the FY 2017/18 Transportation Fund Operating Undesignated, Unreserved Fund Balance.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
- 13. Arizona Canal Path Public Art Project**
Request: Adopt **Resolution No. 10981** authorizing a FY 2017/18 budget appropriation transfer in the amount of \$594,000 from the Arizona Canal Path-Chaparral to McDonald to Indian Bend Wash Project (TB58) to a newly created project to be titled Arizona Canal Path Public Art Project, to be funded by the Capital Transportation Sales Tax.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
- 14. Engineering Services Contract for Transit Route 72 Improvements**
Request: Adopt **Resolution No. 10962** authorizing Contract No. 2017-170-COS with Ritoch-Powell & Associates Consulting Engineers, Inc., in the amount of \$213,316.77, for engineering services for Transit Route 72 improvements along Scottsdale Road, between Roosevelt Street and Cactus Road.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
- 15. Construction Phase Services Contract for Hydrogen Sulfide Mitigation**
Request: Adopt **Resolution No. 10975** authorizing CM@Risk Contract 2017-173-COS with Archer Western Construction, LLC, in the amount of \$307,966 for construction phase services for hydrogen sulfide mitigation at the southwest/Gainey Ranch sewer pumpback station.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
- 16. Engineering Services Contract for the Chaparral Water Treatment Plant**
Request: Adopt **Resolution No. 10976** authorizing Contract No. 2017-174-COS with Hazen and Sawyer, P.C., to provide design services for the addition of a pretreatment process at the Chaparral Water Treatment Plant.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
- 17. HOME Investment Partnership Program Intergovernmental Agreement**
Request: Adopt **Resolution No. 10964** authorizing Agreement No. 2016-015-COS-A1 with Maricopa County, on behalf of the Maricopa HOME Consortium, to receive Federal HOME Investment Partnership funds in the amount of \$206,420.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

- 18. HOME Investment Partnership Program Conditional Subrecipient Agreement**
Request: Adopt **Resolution No. 10965** authorizing Agreement No. 2017-172-COS with Affordable Rental Movement of Save the Family by awarding and specifying conditions associated with Federal HOME Investment Partnership funds in the amount of \$206,420 for housing rehabilitation and rental purposes.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
- 19. Mobile Integrated Healthcare Practice Program Professional Services Agreement**
Request: Adopt **Resolution No. 10936** authorizing Agreement No. 2015-161-COS-A3 with HonorHealth to extend the agreement for an additional six months for the mobile integrated healthcare practice program.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
- 20. Fire Service Automatic Aid Intergovernmental Agreement**
Request: Adopt **Resolution No. 10887** to:
1. Terminate Agreement No. 2013-032-COS pursuant to Section 15 of the agreement and authorize the Fire Chief, or designee, to provide the required notice to the other parties.
 2. Authorize Agreement No. 2017-137-COS with other municipalities, fire districts, and governmental jurisdictions for Regional Metropolitan Phoenix Fire Service Automatic Aid.
- Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
- 21. 2017 DNA Capacity Enhancement and Backlog Reduction Program Grant**
Request: Adopt **Resolution No. 10950** to authorize:
1. Acceptance of the 2017 DNA Capacity Enhancement and Backlog Reduction Program formula grant in the amount of \$150,000, if awarded.
 2. The Chief of Police, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant, if awarded.
 3. A budget transfer in the amount of \$150,000 from the adopted FY 2017/18 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity, if the grant is awarded.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
- 22. DUI Enforcement and Education Grant**
Request: Adopt **Resolution No. 10952** to authorize:
1. Agreement No. 2017-164-COS with the DUI Abatement Council, administered by the Arizona Governor's Office of Highway Safety, to accept a grant in the amount of \$150,000 for overtime and associated expenses to support DUI enforcement and education.
 2. A budget transfer in the amount of \$150,000 from the adopted FY 2017/18 Future Grants and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activities.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

- 23. Goodguys 9th Annual Spring Nationals WestWorld Event Agreement**
Request: Adopt **Resolution No. 10831** authorizing Contract No. 2017-081-COS with Goodguy Enterprises, Inc., to produce the Goodguys 9th Annual Spring Nationals at the WestWorld facility in March 2018.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
- 24. Sky Harbor Connection Program Budget Transfer**
Request: Adopt **Resolution No. 10982** authorizing a FY 2017/18 Tourism Development Fund operating contingency transfer in the amount of \$300,000 to the Transportation Department Operating Budget for a six-month trial of the Sky Harbor Connection Program.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov; Karen Churhard, Tourism and Events Director, 480-312-2890, kchurhard@scottsdaleaz.gov
- 25. Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims**
Request: Adopt **Resolution No. 10974** authorizing the execution of a letter to the Industrial Commission of Arizona requesting an exemption to the requirement to post security for outstanding workers' compensation claims.
Staff Contact(s): Katherine Callaway, Risk Management Director, 480-312-7841, kcallaway@scottsdaleaz.gov
- 26. Independent Ethics Reviewers Professional Services Contracts**
Request: Adopt **Resolution No. 10935** authorizing the following professional services contracts to allow retired judges to serve as independent ethics reviewers, as required by Scottsdale Revised Code Section 2-57:
1. Contract No. 2017-156-COS with Lawrence Fleischman
2. Contract No. 2017-157-COS with Penny Willrich
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2659, bwashburn@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Vice Mayor Korte made a motion to approve Consent Agenda Items 1 through 26, absent Item 2, which was moved to the Regular Agenda. Councilwoman Klapp seconded the motion, which carried 7/0.

REGULAR AGENDA

- 2. Rack Liquor License (90-LL-2017)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a new Series 6 (bar) State liquor license for an existing location and owner.
Location: 3636 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

Mayor Lane opened public testimony.

Craig Miller, Arizona Liquor Industry Consultants, spoke in support.

Mayor Lane closed public testimony.

MOTION AND VOTE – ITEM 2

Vice Mayor Korte made a motion to approve Rack Liquor License (90-LL-2017). Councilwoman Littlefield seconded the motion, which carried 6/1, with Councilman Smith dissenting.

27. Care Homes/Group Homes Text Amendment (2-TA-2017)

Requests:

1. Adopt **Ordinance No. 4326** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to:
 - a. Amend Section 1.202. (Interpretations and Decisions); Section 1.801. (Powers of the Board of Adjustment); Section 1.1304. (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use); Section 3.100. (Definitions); Section 5.010. (Single-Family Residential (R1-190)); Section 5.012. (Use Regulations); Section 5.100. (Single-Family Residential (R1-43)); Section 5.102. (Use Regulations), which affects all other Single-Family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5, and R-2); Section 5.700. (Medium-Density Residential (R-3)); Section 5.703. (Use Regulations); Section 5.800. (Townhouse Residential (R-4)); Section 5.803. (Use Regulations); Section 5.900. (Resort/Townhouse Residential (R-4R)); Section 5.903. (Use Regulations); Section 5.1001. (Multiple-Family Residential (R-5)); and Section 5.1003. (Use Regulations).
 - b. Add Section 1.806. (Disability Accommodation) and Section 1.920. (Request for Disability Accommodation) to address various types of care homes and group homes in residential zoning districts.
2. Adopt **Resolution No. 10963** declaring the document entitled "2-TA-2017 – Care Homes/Group Homes Text Amendment" to be a public record.

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 gave a PowerPoint presentation (attached) on the proposed care homes/group homes text amendment.

Mayor Lane opened public testimony.

The following offered comments on the proposed care homes/group homes text amendment:

- Patty Badenoch, Scottsdale resident
- Gaile Perry Dixon, Arizona Assisted Living Homes Association
- Jim Haxby, Scottsdale resident
- Jeff Taylor, Arizona Recovery Housing Association
- Noel Campbell, State Representative District 1

Mayor Lane closed public testimony.

MOTION AND VOTE – ITEM 27

Councilman Phillips made a motion to adopt Ordinance No. 4326 and Resolution No. 10963. Mayor Lane seconded the motion, which carried 7/0.

PUBLIC COMMENT

CITIZEN PETITIONS

28. Receipt of Citizen Petitions

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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS

ADJOURNMENT

The Regular City Council Meeting adjourned at 6:16 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

Officially approved by the City Council on

January 8, 2018

C E R T I F I C A T E

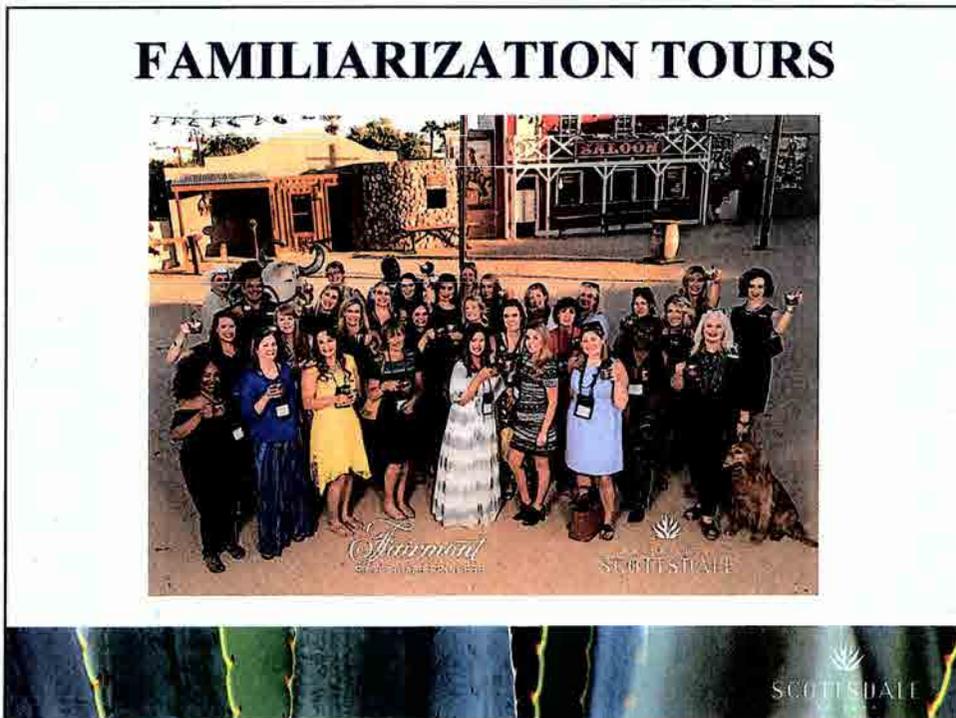
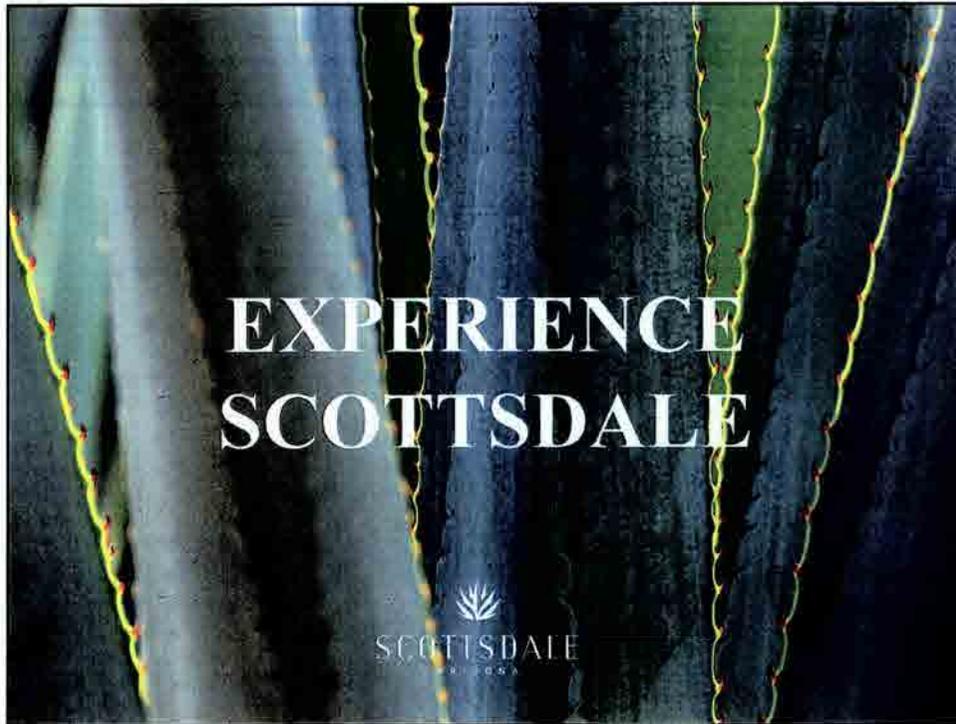
I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 5th day of December 2017.

I further certify that the meeting was duly called and held, and that a quorum was present.

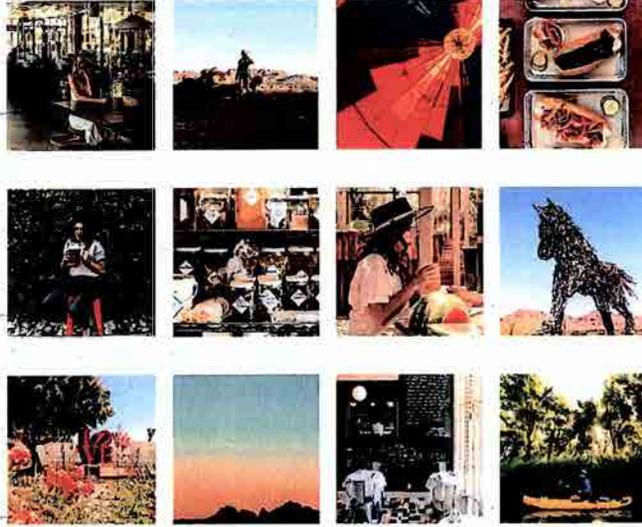
DATED this 8th day of January 2018.



Carolyn Jagger, City Clerk



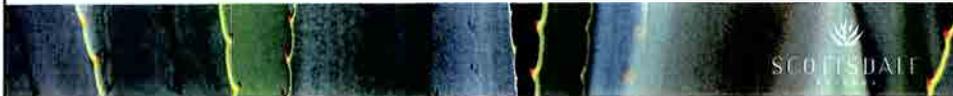
AFAR TAKEOVER



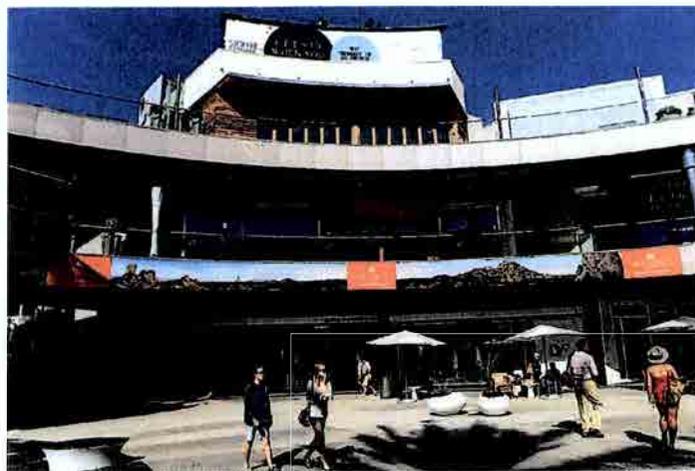
LOS ANGELES TAKEOVER



LOS ANGELES TAKEOVER



LOS ANGELES TAKEOVER



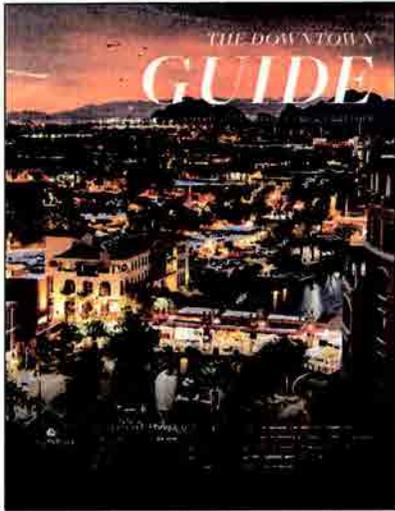
LOS ANGELES TAKEOVER



LOS ANGELES TAKEOVER



DOWNTOWN GUIDE



THE NEIGHBORHOODS

THE PLAYERS: SHOPPING, LOGISTICS

THE VIBE

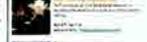


THE MID-RISES

THE VIBE



THE LOW-RISES



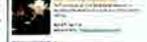
THE NEIGHBORHOODS

ARTS DISTRICT

THE VIBE



THE LOW-RISES



SALES AWARDS AND RECOGNITIONS





Item 27

Care Homes/Group Homes Text Amendment

2-TA-2017

City Council
December 5, 2017

Coordinator: Greg Bloemberg

Background

- Currently 109 licensed care homes mapped in Scottsdale
- Care home provisions already in place, including maximum # of residents and separation requirements
- Home care for addiction has become popular alternative to clinics or hospitals
- Spike in “sober homes” and group homes in residential neighborhoods
- Citizen petition received requesting restrictions and/or regulations on “sober homes”

Community Outreach

- Interested Parties List
- 1/8-page advertisement in Arizona Republic
- Webpage on City website
- Notification via City's social media outlets
- Email notification to over 500 HOA's

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Community Outreach

- 4/19/17: Open House at Granite Reef Senior Center (35 attendees)
- 4/26/17: Neighborhood Advisory Commission (informational)
- 4/27/17: Open House at Vio Linda Senior Center (50 attendees)
- 5/16/17: Open House at Appaloosa Library (120 attendees)
- 6/29/17: Open House at Mountain View Park (50 attendees)
- 8/30/17: Community Engagement Group Meeting (informational; sponsored by Police Department)
- 9/27/17: Planning Commission Study Session (introduction)
- 10/11/17: Planning Commission (Non-Action)
- 10/25/17: Planning Commission (Action)

4

Concerns/Issues

- Public safety; quality of life for neighborhoods
- Licensing; accountability of operators (oversight)
- Distinction of uses (sober homes vs. elderly care)
- Enforcement of HOA regulations

5

Comments from Open Houses

- In addition to State licensing, City should also license care homes
- Number of residents should be reduced from 10 to 6 for all care homes
- 10 residents ok for elderly care homes; not ok for sober homes
- Scottsdale should model ordinance after Prescott's ordinance
- Require neighborhood notification of proposed sober homes and group homes
- (From providers) Care homes provide much-needed community service and contribute to the local economy

6

Comments from Open Houses

- (From providers) Care homes provide residents an opportunity to live in a residential setting and be close to family
- (From providers) Reducing number of residents from 10 to 6 would price some residents out of available housing

7

Federal Fair Housing Act

- Makes it unlawful to deny or discourage housing options for persons with disabilities
- "Disability" — *A mental or physical impairment which substantially limits one or more life activities*"
- Addiction to drugs or alcohol is considered a "disability"
- No distinction between disabilities

8

Objectives

- Respond to citizen concerns regarding care homes in residential neighborhoods
- Craft ordinance that complies with Federal and State Law
- Integrate care homes into residential areas while preventing “saturation” of single-family neighborhoods
- Increase accountability of operators; additional oversight, i.e. proof of State license
- Clarify definition of “family”

9

Summary of Amendment

Greater separation and more oversight

- Maximum 10 disabled residents + 2 residential staff
- Increase separation requirement from 500/750 to 1,200 feet
- Additional oversight; proof of license from the State
- Annual safety inspection by the Fire Department
- Provide “disability accommodation” that would allow for flexibility when warranted

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Summary of Amendment

- “Family”: *One (1) to six (6) adults and related dependent children*
- Homes with up to 6 adults (and related children) with no supervision or care are not subject to care home criteria
- Homes with up to 10 adults (and residential 2 staff) with supervision or care are subject to care home criteria
- Homes with more than 6 adults with no supervision or care are “group homes” and must be located in multi-family districts

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Additional Information

- Does the State require licensed care home operators to live in the home?
No; 24-hour supervision required
- Are there any penalties (at the State level) for operating an unlicensed care home? Yes — Criminal (Class 3 misdemeanor) and Civil (fines)
- Number of staff is insufficient (Maximum of two currently proposed).
Proposed ordinance does not limit “transient” staff; only residential staff (living in home)

12

Schedule

- 8/30/16: Initiation (by City Council)
- 9/27/17: PC Study Session
- 10/11/17: PC hearing (non-action)
- 10/25/17: PC Hearing (action; recommendation of approval with a vote of 5-1)
- 12/5/17: CC Hearing