

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM NOS. 14A AND 14B]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, February 4, 2014

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 (February 25, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:04 P.M.

Roll Call – Councilwoman Milhaven absent (arrived at 5:48 P.M.)

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 – Representatives from 2nd and 3rd grade classes at Christ Church School

Invocation – Pastor Rob Gaschler, Pinnacle Church

Mayor's Report – Mayor Lane urged citizens to watch the Parada Del Sol this Saturday. The parade will take place on Scottsdale Road between Oak and Indian School. He noted that the Parada Del Sol Rodeo will be held later this month at WestWorld.

City Manager's Report – None

Presentations/Information Updates



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).

Arizona Public Service Company Peak Solutions Rebate

Water Resources Executive Director Brian Biesemeyer will be joined by a representative from Arizona Public Service to discuss the City's energy reduction efforts. APS will present a \$150,000 rebate check to the City. **– Water Resources Executive Director Brian Biesemeyer reported on the City's efforts to conserve energy through the Peak Solutions Program. Vern Braaksma, representing the Arizona Public Service Company, presented the City with a rebate check for \$153,000. Mayor Lane thanked City staff for their efforts to conserve energy.**

Public Comment – Susan Wheeler and Dawn Brokaw submitted a citizen's petition asking the Council to direct staff to revisit, revise, and update the current outdoor lighting ordinance to reflect changes in technology. John Washington submitted a citizen's petition requesting the removal of General Plan Task Force member Loren Molever. Kathy Littlefield commented on the General Plan update.

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 comments 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 [Regular Meeting Minutes of January 14, 2014](#).

– Vice Mayor Korte made a motion to approve the Regular Meeting Minutes of January 14, 2014. Councilwoman Klapp seconded the motion, which carried 6/0, with Councilwoman Milhaven absent.

CONSENT AGENDA ITEMS 1-12

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.

– Councilman Littlefield made a motion to approve Consent Items 1 through 12. Vice Mayor Korte seconded the motion, which carried 6/0, with Councilwoman Milhaven absent.

1. [Caribbean Palm Restaurant Liquor License \(1-LL-2014\)](#) – **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: 7049 E. McDowell Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Casa Mia Cucina Italiana Liquor License \(2-LL-2014\)](#) – **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: 11485 N. 136th Street, Suites 109-110
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Permanent Extension of Premises for Zinburger \(1-EX-2014\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a series 12 (restaurant) State liquor license.
Location: 15257 N. Scottsdale Road, Suite F1-150
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Tournament Players Club Stadium Golf Course Design-Build Construction Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9610** authorizing Design-Build Construction Services Contract No. 2014-005-COS with Landscapes Unlimited, LLC, in the amount of \$9,099,943.22, for renovations to the Stadium Golf Course at the Tournament Players Club of Scottsdale.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
5. **Tournament Players Club Clubhouse Design-Build Construction Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9611** authorizing Design-Build Construction Services Contract No. 2014-006-COS with Wespac Construction, Inc., in the amount of \$2,959,823, for renovations to the Clubhouse at the Tournament Players Club of Scottsdale.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
6. **Pedestrian Countdown Signal Heads Grant – Approved on Consent.**
Request: Adopt **Resolution No. 9612** to authorize:
 1. Acceptance of an Arizona Department of Transportation grant in the amount of \$140,502 for pedestrian countdown signal heads.
 2. Budget transfer in the amount of \$140,502 from the Adopted FY 2013/14 Future Grants Budget and/or Grants Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
7. **Changeable Speed Warning Signs Grant – Approved on Consent.**
Request: Adopt **Resolution No. 9613** to authorize:
 1. Acceptance of an Arizona Department of Transportation grant in the amount of \$28,512 for changeable speed warning signs.
 2. Budget transfer in the amount of \$28,512 from the Adopted FY 2013/14 Future Grants Budget and/or Grants Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
8. **The Derby Teletrack Wagering Establishment License (Application No. 1097285) – Approved on Consent.**
Request: Consider approval of an application for a new teletracking (off track betting) license for The Derby.
Location: 4420 N. Saddleback Trail, Suite 100
Staff Contact(s): Dennis Enriquez, Business Services Director, 480-312-5925, denriquez@scottsdaleaz.gov
9. **Wired Telecommunications License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9632** authorizing Contract No. 2009-010-COS-A1, the first amendment to the Wired Telecommunications Right-of-Way License with TW Telecom of Arizona, LLC, to install, operate, repair, and maintain a wireline telecommunications network in the City's rights-of-way.
Staff Contact(s): Brad Hartig, Information Technology Executive Director, 480-312-7615, bhartig@scottsdaleaz.gov

10. **7234 E. Belleview Street Trustee Sale – Approved on Consent.**

Request: Adopt **Resolution No. 9636** to authorize:

1. City staff to make a credit bid at the Trustee's sale of the property located at 7234 E. Belleview Street, Scottsdale, Arizona, up to the full amount secured by the City's lien on the subject property and to discontinue bidding when a cash bid for the property equals or exceeds the amount established by the direction given in executive session.
2. The City to pay the property taxes owed on the property in the approximate amount of \$2,396.68.
3. City staff to execute all documents and take such other actions as are necessary to carry out the intent of Resolution No. 9636.

Location: 7234 E. Belleview Street

Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov

11. **Hulstedt v. City of Scottsdale Settlement – Approved on Consent.**

Request: Adopt **Resolution No. 9645** authorizing Contract No. 2014-017-COS contingent upon all necessary future Court approvals and the City Attorney's future approval of all settlement agreement language, terms, and signatures; and specifically authorizing the Treasurer to take all future actions necessary, including possibly depositing any remaining self-insured retention funds in a trust account pending all necessary future approvals and a fully executed settlement agreement in order to settle the lawsuit entitled *Hulstedt v. City of Scottsdale, et al.*, Case No. CV09-01258-PHX-GMS currently pending in the United States District Court.

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

12. **Post-Retirement Medical Benefits – Approved on Consent.**

Request: Adopt **Resolution No. 9638** limiting post-retirement medical plan participation to sworn police and fire employees who qualify for an accidental disability retirement under the Public Safety Personnel Retirement System, effective July 1, 2014.

Staff Contact(s): Bruce Davis, Human Resources Executive Director, 480-312-2615, bdavis@scottsdaleaz.gov

REGULAR AGENDA ITEMS 13-14A

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.**

13. **Operating Budget Parameters for Proposed Fiscal Year 2014/15 – City Manager Fritz Behring presentation**

Request: Discussion and possible direction to staff regarding the City's proposed Fiscal Year 2014/15 operating budget.

Presenter(s): Fritz Behring, City Manager

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

– Councilwoman Milhaven arrived at 5:48 P.M.

14. **Proposed Fiscal Year 2014/15 Capital Budget Discussion – City Manager Fritz Behring presentation**

Request: Discussion and possible direction to staff regarding the City's proposed Fiscal Year 2014/15 Capital Improvement Plan budget.

Presenter(s): Fritz Behring, City Manager

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

***14A. **Legislative Update – Removed from the agenda at the request of staff.**

Request: Receive an update, discuss, and provide possible direction regarding current and pending State legislative issues and policies.

Presenter(s): Brad Lundahl, Government Relations Director

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

MAYOR AND COUNCIL

ITEM 14B

***14B. **Request to Agendize the City's Sign Walker Ordinance – Councilman Phillips made a motion to have staff agendize: “A presentation and possible direction on the current sign walker ordinance, including possible alternatives.” Councilman Littlefield seconded the motion, which carried 5/2, with Councilmembers Klapp and Milhaven dissenting.**

Request: At the request of Councilman Phillips direct staff to agendize: “A presentation and possible direction to staff on the current sign walker ordinance, including possible alternatives.”

Note: The only Council action to be taken on Item No. 14B is a decision on whether to agendize the referenced matter at a future Council meeting. No public comment will be taken at this time.

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 comments 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 15

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.

15. 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

– Vice Mayor Korte made a motion to direct the City Manager to investigate the petition submitted by Susan Wheeler and Dawn Brokaw asking the Council to direct staff to revisit, revise, and update the current outdoor lighting ordinance to reflect changes in technology, and prepare a written response to the Council, with a copy to the petitioner. Councilman Littlefield seconded the motion, which carried 7/0.

– Councilman Littlefield made a motion to direct the City Manager to agendize for further discussion the petition submitted by John Washington requesting the removal of General Plan Task Force member Loren Molever. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Korte; and Councilmembers Klapp, Milhaven, and Robbins dissenting.

Mayor and Council Items – None

Adjournment – 6:43 P.M.