

SCOTTSDALE

CITY COUNCIL MEETING



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

**[ADDED ITEM No. A1, CONSENT ITEM NOS. 20A AND 20B, AND
MAYOR AND COUNCIL ITEM No. 22]**

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, July 1, 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 (July 2, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:18 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 – Scottsdale Youth Corps Volunteers

Invocation – Pastor Neil Montgomery, Scottsdale Bible Church

Mayor's Report – Mayor Lane proclaimed July as General Aviation Appreciation Month. Sarah Ferrara, Public Relations and Community Outreach for Scottsdale Airport, accepted the proclamation on behalf of Airport Director Gary Mascaro.

Presentations/Information Updates – None



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).

Public Comment – Richard Nickum submitted a citizens petition requesting a rebate of wastewater development fees that were paid in September/October 2013 totaling approximately \$20,000. Jennifer Nore spoke in support of Richard Nickum’s citizens petition.

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.”**

ADDED ITEMS

Added Items: Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

*****A1. Added Items**

Consent Item No. 20B was added to the agenda on June 26, 2014.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is August 18, 2014.

– Councilman Robbins made a motion to accept the agenda as presented. Councilwoman Milhaven seconded the motion, which carried 7/0.

MINUTES

Request: Approve the [Regular Meeting Minutes of May 13, 2014](#) and [June 3, 2014](#); [Work Study Session Minutes of May 13, 2014](#); [4:00 p.m. Special Meeting Minutes of June 3, 2014](#); and [7:30 p.m. Special Meeting Minutes of June 3, 2014](#).

– Councilmember Korte made a motion to approve the Regular Meeting Minutes of May 13, 2014 and June 3, 2014; Work Study Session Minutes of May 13, 2014; 4:00 p.m. Special Meeting Minutes of June 3, 2014; and 7:30 p.m. Special Meeting Minutes of June 3, 2014. Vice Mayor Phillips seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-20B

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 Robbins made a motion to approve Consent Agenda Items 1 through 20B, absent Item 2. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. **RSVP Liquor License (23-LL-2014) – 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.

Location: 4301 N. Civic Center Plaza

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

2. **RSVP (aka Mixx) Conditional Use Permits (2-UP-2014 and 3-UP-2014) – Councilmember Korte made a motion to find that the conditional use permit criteria have been met and adopt Resolution No. 9803 approving a Conditional Use Permit for a bar at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 2-UP-2014; and find that the conditional use permit criteria have been met and adopt Resolution No. 9804 approving a Conditional Use Permit for live entertainment at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 3-UP-2014, with the amended stipulations that were presented by staff. Councilwoman Milhaven seconded the motion, which carried 7/0.**

Requests:

1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 9803** approving a Conditional Use Permit for a bar at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 2-UP-2014.

2. Find that the conditional use permit criteria have been met and adopt **Resolution No. 9804** approving a Conditional Use Permit for live entertainment at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 3-UP-2014.

Location: 4301 N. Civic Center Plaza

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

3. **Metropolis Liquor License (53-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: 7137 E. Rancho Vista Drive, Suite B33

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

4. **Sushi J Liquor License (56-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: 4320 N. Miller Road

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

5. **Permanent Extension of Premises for Cowboy Ciao (10-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: 7133 E. Stetson

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

6. **Boondocks Patio and Grill Conditional Use Permit (42-UP-2011#2) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 9805 approving a Conditional Use Permit for live entertainment at an existing bar with Downtown District, Office/Residential Type 2, Downtown Overlay (D/OR-2 DO) zoning.
Location: 4341 N. 75th Street
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
7. **GLO Abandonment (9-AB-2010#2) – Approved on Consent.**
Requests:
 1. Adopt **Resolution No. 9784** to abandon the General Land Office (GLO) easements contained within the recorded Pueblo Bonito Subdivision.
 2. Adopt **Resolution No. 9799** to abandon the General Land Office (GLO) easements contained within the recorded Desert Hills of Scottsdale Subdivision.
 3. Adopt **Resolution No. 9800** to abandon the General Land Office (GLO) easements contained within the recorded Sierra Foothills Subdivision.**Location:** Generally located in an area bounded by N. 120th Street on the west, E. Gail Road on the north, N. 128th Street on the east, and E. Mountain View Road on the south
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
8. **GLO Abandonment (9-AB-2010#3) – Approved on Consent.**
Requests:
 1. Adopt **Resolution No. 9785** to abandon the General Land Office (GLO) easements contained within the recorded Bella Montagna and Paradise Drive Estates subdivisions.
 2. Adopt **Resolution No. 9801** to abandon the General Land Office (GLO) easements contained within the recorded Sweetwater Ranch Estates and Sagewood subdivisions.
 3. Adopt **Resolution No. 9802** to abandon the General Land Office (GLO) easements contained within the recorded Montage subdivision.**Location:** Generally located in an area bounded by N. 92nd Street on the west, E. Paradise Lane on the north, N. 106th Street on the east, and E. Cholla Road on the south
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
9. **Hayden and Northsight Rezoning (2-ZN-2014) – Approved on Consent.**
Request: Adopt **Ordinance No. 4160** approving a zoning district map amendment from General Commercial (C-4) to Highway Commercial (C-3) zoning on a 5± acre site and finding that the proposed zoning map amendment is consistent and conforms with the adopted General Plan.
Location: 15600 N. Hayden Road and 15750 N. Northsight Boulevard
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
10. **First Avenue Townhomes Rezoning (5-ZN-2014) – Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4161** approving a zoning district map amendment from Central Business, Downtown Overlay (C-2 DO) zoning to Downtown/Downtown Multiple Use-Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) zoning, including approval of Amended Property Development Standards and a Development Plan; finding that the Planned Block Development Overlay criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 28,698± square-foot site.
 2. Adopt **Resolution No. 9806** declaring “First Avenue Townhomes Development Plan, 5-ZN-2014” as a public record.**Location:** 6901 E. 1st Avenue
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

11. **Via de Ventura Apartments Rezoning (7-ZN-2014) – Approved on Consent.**
Request: Adopt **Ordinance No. 4162** approving a zoning district map amendment to amend the Development Plan and the density stipulation of Case 15-ZN-1972 to increase the permitted residential density for the site from 16.0 dwelling units per gross acre to 16.6 dwelling units per gross acre for a property; finding that the Planned Community (P-C) zoning district criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan for a site with Multiple-Family Residential, Planned Community (R-5 PCD) zoning.
Location: 8375 E. Via de Ventura
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
12. **Booster Pump Stations 36-3 and 36-5 Construction Bid Award – Approved on Consent.**
Request: Adopt **Resolution No. 9768** authorizing Construction Bid Award 14PB031 to MGC Contractors, Inc., the lowest responsive bidder, at the unit price bid of \$3,715,211, for construction improvements to Booster Pump Stations 36-3 and 36-5.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
13. **Citywide Sewer Rehabilitation Construction Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 9779** authorizing the following construction services job order contracts for citywide sewer system rehabilitation:
 1. Contract No. 2014-070-COS with Achen Gardner Construction, LLC.
 2. Contract No. 2014-071-COS with Insituform Technologies, LLC.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
14. **Silverado Golf Course Drainage Improvements Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 9797** authorizing a FY 2014/15 General Fund Capital Contingency budget appropriation transfer in the amount of \$140,000 to a newly created CIP project to be titled Silverado Golf Course Drainage Improvements to be funded by the Inlet/Silverado Golf Surcharge Special Revenue Fund (\$126,000) and General Fund (\$14,000).
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
15. **Chaparral Water Treatment Plant Engineering Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9798** authorizing Engineering Services Contract No. 2014-083-COS with Black and Veatch Corporation to develop communication upgrades for the membrane filtration control system at the Chaparral Water Treatment Plant in an amount not to exceed \$87,120.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
16. **Water Service Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 9818** authorizing Contract No. 1998-106-COS-A1, Amendment One to the Water Services Agreement with White Buffalo Golf, LLC.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

17. **Fiscal Year 2014/15 Event Venue Fee Program – Approved on Consent.**
Request: Adopt **Resolution No. 9760** authorizing \$20,000 in bed tax funding to be used for development of events to be identified per the FY 2014/15 Event Venue Fee Program, and authorizing the Mayor to execute individual agreements with each event producer.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
18. **World Food Championships Event – Approved on Consent.**
Request: Adopt **Resolution No. 9812** to authorize:
1. Funding, not to exceed \$75,000, from the City portion of bed tax allocated toward one-time commitment capital, event, and administration for the “World Food Championships-Scottsdale Super Regional” event.
2. New Event Funding Agreement No. 2014-084-COS with MMA Creative, Inc.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
19. **Community Fishing Program Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9794** authorizing Intergovernmental Agreement No. 2014-080-COS with the Arizona Game and Fish Department to allow the Community Fishing Program at Chaparral Park and Eldorado Park North Lakes.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
20. **Fiscal Year 2014/15 Scottsdale Endowment Allocation – Approved on Consent.**
Request: Adopt **Resolution No. 9775** approving the distribution of interest income from the City’s endowment program for FY 2014/15 and authorizing the allocation of funds to recommended activities.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
- ***20A. **Naming of Pond – Approved on Consent.**
Request: Adopt **Resolution No. 9826** authorizing the pond at the southwest corner of Hayden Road and Indian School Road to be named “Schrader’s Pond” in honor of Bill Schrader and his family.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
- ***20B. **Trolley Operations and Maintenance Contract Extension – Approved on Consent.**
Request: Adopt **Resolution No. 9827** authorizing Contract No. 2009-187-COS-A5, an extension of the Trolley Operations and Maintenance Service Contract with Dunn Transit (formerly Atypical Transportation Company), for the period of July 1, 2014 through September 30, 2014, in an estimated amount of \$750,000.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

REGULAR AGENDA ITEM 21

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

21. **Camelback Road Traffic Control between Scottsdale Road and Miller Road – Transportation Director Paul Basha presentation**

Request: Presentation, discussion, and possible direction to staff regarding modifications to Camelback Road between Scottsdale Road and Miller Road.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEM 22

***22. **Request to Agendize an Ordinance to Regulate the Use of Personal Digital Assistants While Driving**

Request: At the request of Vice Mayor Phillips, direct staff to agendize an ordinance to limit the use of personal digital assistants while driving.

– Vice Mayor Phillips made a motion to direct staff to agendize an ordinance to limit the use of personal digital assistants while driving. Councilman Littlefield seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Milhaven, and Robbins dissenting.

Note: The only Council action to be taken on Item No. 22 is a decision on whether to agendize the referenced matters for 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 23

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.

23. **Receipt of Citizen Petitions – Councilman Littlefield made a motion to direct the City Manager to consider the matter and report back to the Council regarding the petition submitted by Richard Nickum requesting a rebate of wastewater development fees that were paid in September/October 2013 totaling approximately \$20,000. Vice Mayor Phillips seconded the motion, which carried 6/1, with Councilmember Korte dissenting.**

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 – None

Adjournment – 6:06 P.M.