

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, November 28, 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 (December 1 or 2, 2016).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:05 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 – Councilwoman Klapp

Invocation – Pastor David Joynt, Valley Presbyterian Church

Mayor's Report – None

Presentations/Information Updates – Presentations from Public Works Director Dan Worth and Architects Tom Hennes and John Sather.

- **[Informational Update Regarding the Desert Discovery Center](#)**
Presenter(s): Dan Worth, Public Works Director

Public Comment – John Huston commented on construction at the Scottsdale and Lincoln roads intersection and early voting processes. George Jackson spoke about the successful Scottsdale Unified School District bond and capital override election. Pat Shaler expressed concern on the proposed Desert Discovery Center. Randy Schilling thanked the Council for the purchase of Preserve land at Dynamite and Pima roads. Marty Rozelle thanked the Council for preserving the City's quality of life.



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

FOR ADDITIONAL INFORMATION VISIT: WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION

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."**

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

The council report and supporting materials for Item No. 23 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or to continue the added item(s) to the January 17, 2017 Council meeting.

– Vice Mayor Littlefield made a motion to accept the agenda as presented. Councilman Phillips seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-19

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.

– Councilmember Korte made a motion to approve Consent Agenda items 1 through 19, absent Items 6 and 8, which were moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0.

1. **[La's Thai Cuisine Liquor License \(93-LL-2016\)](#) – 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: 15050 N. Northsight Boulevard, Suite 107
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **[I-MAD Liquor License \(95-LL-2016\)](#) – 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: 4301 N. Civic Center Plaza
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **[New China Gate Liquor License \(96-LL-2016\)](#) – 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: 7730 E. McDowell Road, Suite 111
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Phoenix Seminary Campus Addition and Remodel Conditional Use Permit (5-UP-2016) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10639** approving a Conditional Use Permit for private colleges and universities having a regular curriculum, with their related services and activities, on a 4.7±-acre site with Single-Family Residential (R1-35) zoning.
Location: 7901 E. Shea Boulevard
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

5. **Waterview at Scottsdale Abandonment Correction (Related to 8-AB-2007) – Approved on Consent.**
Request: Adopt **Resolution No. 10617** amending prior Resolution No. 7671 to correct an error in the legal description for the East Alley Tract for property located near E. Camelback Road and N. 73rd Street.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

6. **Social Tap Outdoor Dining Patio Abandonment (1-AB-2016)**
Request: Adopt **Resolution No. 10635** authorizing the abandonment of 5,800± square-feet of Drinkwater Boulevard and Brown Avenue right-of-way, located along the boundary of Parcel No. 173-51-061, with Central Business, Downtown Overlay, Parking District (C-2/P-3 DO) and Parking District, Vehicle Parking, Downtown Overlay (P-2/DO) zoning.
Location: 4310 N. Brown Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
– Senior Planner Greg Bloemberg presentation.
– Councilman Smith made a motion to deny Resolution No. 10635. Vice Mayor Littlefield seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven dissenting.
– Mayor Lane made a motion to adopt Resolution No. 10635. Councilwoman Klapp seconded the motion, which carried 4/3, with Vice Mayor Littlefield and Councilmembers Phillips and Smith dissenting.

7. **Shatila Residence Abandonment (6-AB-2016) – Approved on Consent.**
Request: Adopt **Resolution No. 10620** authorizing the abandonment of 33-foot General Land Office Patent Easement (except the easternmost 25 feet) located along the northern boundary, and the western 8 feet of the 33-foot General Land Office Patent Easement located along the eastern boundary, for a property with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.
Location: 27990 N. 77th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

8. **Perlstein Abandonment (9-AB-2016) – Councilwoman Milhaven made a motion to continue Item 8 until after the Council can have a review and discussion of the City’s policy around abandonments and non-conforming properties. Mayor Lane seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 10621** authorizing the abandonment of 25-foot Roadway Easement along the northern boundary of Parcel No. 217-12-019 with Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.
Location: 8845 E. Sierra Pinta Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

9. **L'Esperance Rezoning (13-ZN-2016) – Approved on Consent.**
Request: Adopt **Ordinance No. 4286** approving a zoning district map amendment from Highway Commercial (C-3) zoning to Downtown, Downtown Multiple Use – Type 2 Downtown Overlay (D/DMU-2, DO) zoning located on a combined 1.23±-acre site.
Location: 3126 N. Scottsdale Road and 7134 E. Earll Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
10. **Acquisition of Right-of-Way and Easements for the Raintree Drive Extension – Approved on Consent.**
Request: Adopt **Resolution No. 10632** authorizing the acquisition of right-of-way, drainage easements, and temporary construction easements for the Raintree Drive Extension Project from Scottsdale Road to Hayden Road.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
11. **SkySong Transit – McDowell Road Pedestrian Improvements Construction Bid Award – Approved on Consent.**
Request: Adopt **Resolution No. 10633** authorizing Construction Bid Award No. 16PB038 to AJP Electric, Inc., the lowest responsive bidder, at the unit price bid of \$572,924.40 for the construction of SkySong Transit – McDowell Road Pedestrian Improvements from Scottsdale Road to Miller Road.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
12. **November 8, 2016 General/Special Election Canvass – Approved on Consent.**
Request: Adopt **Resolution No. 10664** as the official canvass of the City of Scottsdale November 8, 2016 General/Special Election.
Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov
13. **Adoption of Fire, Building, Residential, Plumbing, Mechanical, Electrical, Energy Conservation, Green Construction, Fuel Gas, and Other Codes – Approved on Consent.**
Requests:
 1. Adopt **Resolution No. 10598** declaring the documents entitled “*The International Fire Code, 2015 Edition, Including Appendices B, C, D, E, F, G, H, I, J, K, and M*” and “*2016 City of Scottsdale Amendments to the 2015 International Fire Code*” to be public records.
 2. Adopt **Ordinance No. 4283** to:
 - a. Adopt the 2015 Edition of the International Fire Code and City amendments as part of Scottsdale Revised Code, Chapter 36, Section 36-18.1.
 - b. Amend Chapter 36, Fire Prevention and Protection, Sections 36-19.1, 36-19.2, 36-19.3, 36-19.4, and 36-19.6, of Scottsdale Revised Code to update the violation and penalty provisions.
 3. Adopt **Resolution No. 10597** declaring the documents entitled “*The International Building Code, 2015 Edition, Including Appendices G, I, and J*” and “*2016 City of Scottsdale Building Codes and Amendments*” to be public records.
 4. Adopt **Resolution No. 10599** declaring the document entitled “*The International Residential Code for One-and Two-Family Dwellings, 2015 Edition, Including Appendices A, B, C, H, J, K, R, S, and U*” to be a public record.
 5. Adopt **Resolution No. 10600** declaring the document entitled “*The International Plumbing Code, 2015 Edition, Including Appendices B and E*” to be a public record.
 6. Adopt **Resolution No. 10601** declaring the document entitled “*The International Mechanical Code, 2015 Edition*” to be a public record.
 7. Adopt **Resolution No. 10602** declaring the document entitled “*The National Electrical Code, 2014 Edition*” to be a public record.
 8. Adopt **Resolution No. 10603** declaring the document entitled “*The International Energy Conservation Code, 2015 Edition*” to be a public record.

9. Adopt **Resolution No. 10604** declaring the document entitled "*The International Green Construction Code, 2015 Edition*" to be a public record.
10. Adopt **Resolution No. 10627** declaring the document entitled "*The International Fuel Gas Code, 2015 Edition*" to be a public record.
11. Adopt **Resolution No. 10628** declaring the document entitled "*The International Existing Building Code, 2015 Edition*" to be a public record.
12. Adopt **Resolution No. 10629** declaring the document entitled "*The 2012 ICC Standard for Bleachers, Folding and Telescopic Seating, and Grandstands*" to be a public record.
13. Adopt **Resolution No. 10630** declaring the document entitled "*ICC 117.1-2009, 'Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities*" to be a public record.
14. Adopt **Resolution No. 10631** declaring the document entitled "*The 2010 ADA Standards for Accessible Design*" to be a public record.
15. Adopt **Ordinance No. 4284** to:
 - a. Adopt the 2015 Edition of the International Building Code and City amendments; 2015 Edition of the International Residential Code for One-and Two-Family Dwellings; 2015 Edition of the International Plumbing Code; 2015 Edition of the International Mechanical Code; 2014 Edition of the National Electrical Code; 2015 Edition of the International Energy Conservation Code; 2015 Edition of the International Green Construction Code; 2015 Edition of the International Fuel Gas Code; 2015 Edition of the International Existing Building Code; The 2012 ICC Standard for Bleachers, Folding and Telescopic Seating, and Grandstands; ICC 117.1-2009, 'Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities; and The 2010 ADA Standards for Accessible Design.
 - b. Repeal and replace Chapter 31, Building and Building Regulations, Articles I through VIII, Sections 31-1 through 31-236 of Scottsdale Revised Code.

Staff Contact(s): Michael Clack, Chief Development Officer, 480-312-7629, mclack@scottsdaleaz.gov

14. **[Merci Train Boxcar and Artifacts Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10634** to authorize:
 1. Agreement No. 2016-180-COS with the Arizona State Library, Archives & Public Records Division for the loan of the Merici Train Boxcar to the McCormick-Stillman Railroad Park.
 2. The Parks and Recreation Director to execute, on behalf of the City, artifact loan agreements for future short-term loans of artifacts to be displayed at McCormick-Stillman Railroad Park.**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov**
15. **[Engineering Services Contract to Update the Infrastructure Improvement Plan and the Land Use Assumptions Report](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10625** authorizing Contract No. 2016-179-COS with CH2M HILL Engineers, Inc., in an amount not to exceed \$101,734 to update the City's Infrastructure Improvement Plan and Land Use Assumptions Report, required to update Water and Wastewater fees
Staff Contact(s): David Petty, Acting Water Resources Director, 480-312-5683, dpetty@scottsdaleaz.gov**
16. **[Scottsdale Convention and Visitors Bureau Additional Event Request](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10594** to authorize:
 1. The addition of the 2017 Native Trails Event as an additional event under the Destination Marketing Service Agreement No. 2012-053-COS with the Scottsdale Convention and Visitors Bureau d/b/a Experience Scottsdale (SCVB).
 2. The disbursement of \$100,000 of Fort McDowell Yavapai Nation Proposition 202 funds to SCVB, of which \$95,000 shall be used in connection with the Native Trails Event.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov**

17. [Audit Committee Recommendation for the Transportation Commission Sunset Review – Approved on Consent.](#)
Request: Adopt **Resolution No. 10641** accepting the Audit Committee's recommendation and authorizing the continuation of the Transportation Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
18. [Audit Committee Recommendation for the Transportation Commission – Paths and Trails Subcommittee Sunset Review – Approved on Consent.](#)
Request: Adopt **Resolution No. 10642** accepting the Audit Committee's recommendation and authorizing the continuation of the Transportation Commission – Paths and Trails Subcommittee.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
19. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2016/17 Monthly Financial Report as of September 2016.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 20-23

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.**

20. [Fiscal Year 2015/16 Annual Financial Audit](#)
Request: Accept the FY 2015/16 annual financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co., P.C.
Presenter(s): Sharron Walker, City Auditor
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
– City Auditor Sharron Walker presentation.
– Councilwoman Klapp made a motion to accept the FY 2015/16 annual financial audit reports as submitted. Councilmember Korte seconded the motion, which carried 7/0.
21. [Fiscal Year 2015/16 Financial Update](#)
Request: City Treasurer's financial summary presentation for Fiscal Year 2015/16.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– City Treasurer Jeff Nichols presentation.
22. [Monthly Financial Update](#)
Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of October 2016.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– City Treasurer Jeff Nichols presentation.
23. [WestWorld Municipal Use Master Site Plan](#)
Requests:
 1. Adopt **Resolution No. 10619** authorizing a FY 2016/17 Tourism Development Fund operating contingency budget transfer in the amount of \$300,000 to be funded from the City portion of the

bed tax carry-over to a newly created capital improvement project to be titled WestWorld Municipal Use Master Site Plan and Text Amendment.

2. Initiate a Municipal Use Master Site Plan (MUMSP) application for the purpose of updating the existing MUMSP on 380± acres of City-owned properties located in the general vicinity east of Arizona State Route 101 and south of E. Bell Road, with Western Theme Park (W-P) and Western Theme Park, Environmentally Sensitive Lands (W-P/ESL) zoning.
3. Initiate a Text Amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Section 5.2802 to the Western Theme Park (W-P) zoning district located City-wide.
4. Initiate a Conditional Use Permit (CUP) application for the purpose of consolidating the existing approved CUP on 380± acres of City-owned properties located in the general vicinity east of Arizona State Route 101 and south of E. Bell Road, with Western Theme Park (W-P) and Western Theme Park, Environmentally Sensitive Lands (W-P/ESL) zoning.

Presenter(s): Dan Worth, Public Works Director

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

– Public Works Director Dan Worth presentation.

– Councilwoman Milhaven made a motion to continue Item 23 and to request that staff bring forward an overview of the operations at WestWorld and the business case for additional investment. Mayor Lane seconded the motion, which carried 7/0.

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 24

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.

24. 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 – Mayor Lane made a motion to have staff to bring forward the WestWorld events and marketing contract after the new year for review of items, conditions, and performance issues as a component part to be used in the overall assessment of WestWorld. Councilwoman Klapp seconded the motion, which carried 7/0.

Adjournment – 7:53 P.M.