

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED CONSENT ITEM No. 19]

COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Tuesday, January 13, 2015

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 3, 2015).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:08 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 –Brownie Troop No. 194, Troop Leader Priscilla Sanders

Invocation – Mayor Lane requested a moment of silence for victims of the terrorist attack in France.

Mayor's Report – Mayor Lane announced a support rally for Scottsdale Police Officers on January 17 and recognized the opening of the Scottsdale Museum of the West. Mayor Lane thanked Vice Mayor Phillips for his service as Vice Mayor and announced that Councilwoman Milhaven will assume the role of Vice Mayor on February 1, 2015.

Public Comment – Dottie Pratt expressed concern over the new Parada del Sol Parade route.

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."**



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).

CONSENT AGENDA ITEMS 1-23

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.

–Vice Mayor Phillips made a motion to approve Consent Items 1 through 23, absent items 3, 11, and 17, which were moved to the Regular Agenda. Councilwoman Klapp seconded the motion, which carried 7/0.

1. **Fate Brewing Company Liquor License (132-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: 1312 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Fate Brewing Company Liquor License (133-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 3 (microbrewery) State liquor license for a new location and owner.
Location: 1312 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Harkins Camelview at Fashion Square Liquor License (134-LL-2014) – Councilwoman Milhaven made a motion to forward a recommendation of approval. Councilwoman Littlefield seconded the motion, which carried 6/1, with Councilman Smith dissenting.**
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 a new location and owner.
Location: 7014 E. Camelback Road, Suite 3A
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Goodwood Liquor License (135-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 7330 E. Stetson Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Permanent Extension of Premises for Living Room Wine Café & Lounge (19-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: 20751 N. Pima Road, Suite 120
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

CONSENT AGENDA

6. **Sienna Hills Abandonment (8-AB-2014) – Approved on Consent.**
Request: Adopt **Resolution No. 9946** authorizing the abandonment of approximately 322 feet of the north 25 feet of E. Sahuaro Drive right-of-way located approximately 215 feet west of N. 124th Street, and the abandonment of approximately 465 feet of the 33-foot-wide Government Land Office easement located along the E. Saguaro Drive alignment approximately 537 feet west of N. 124th Street.
Location: E. Sahuaro Drive alignment, west of N. 124th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Whisper Ridge, Phase 2 Final Plat (6-PP-2014) – Approved on Consent.**
Request: Approve a 46-lot final plat on 23 acres for the west phase of Whisper Ridge subdivision, totaling an 85-lot residential subdivision on 80 acres, with amended development standards located at the northeast corner of N. 136th Street and E. Shea Boulevard.
Location: 13801 E. Desert Cove Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Sierra Highlands Final Plat (9-PP-2014) – Approved on Consent.**
Request: Approve a 25-lot final plat for the Sierra Highlands residential subdivision on 40 acres, located at the northeast corner of the N. 84th Street alignment and E. Black Mountain Road.
Location: 8500 E. Black Mountain Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
9. **Neighborhood Enhancement Partnership Program Applications – Approved on Consent.**
Request: Approve the following two Neighborhood Enhancement Partnership Program applications, as recommended by the Neighborhood Advisory Commission:
 1. Four Seasons Condominium Association, located at 68th Street and 4th Street, for landscape improvements, requesting funds in the amount of \$8,745, with a total project cost of \$17,745.
 2. Oasis Park, located at 6700 E. Thomas Road, for repair and repainting of existing front block wall, requesting funds in the amount of \$9,044, with a total project cost of \$18,089.**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
10. **Drainage and Flood Control Easement – Approved on Consent.**
Request: Adopt **Resolution No. 9998** authorizing the acceptance of a drainage and flood control easement to construct drainage improvements.
Location: 8701 E. Hartford Drive
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
11. **Dirt Road Paving Construction Bid Award – Councilwoman Littlefield made a motion to adopt Resolution No. 9975 authorizing the construction bid award. Councilwoman Milhaven seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 9975** authorizing Construction Bid Award No. 14PB040 to Sunland Inc. Asphalt and Sealcoating, the lowest responsive bidder, at the unit price of \$954,459 for paving the follow three dirt roads:
 1. Via Dona Road, Scottsdale to Hayden Road
 2. Hayden Road, Dynamite to Via Dona Road
 3. Pinnacle Vista Drive, 64th to 69th Street**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

CONSENT AGENDA

12. **Capital Improvement and Facilities Projects On-Call Structural Engineering Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 9982** authorizing the following on-call structural engineering service modifications for capital improvement and facilities projects for the second year option:
 1. Contract No. 2014-001-COS-A1 with Caruso Turley Scott, Inc.
 2. Contract No. 2014-002-COS-A1 with Gannett Fleming, Inc.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

13. **Capital Improvement Projects On-Call Surveying Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 9997** authorizing the following on-call engineering services contracts, in an amount not to exceed \$1,000,000 per term, for surveying services:
 1. Contract No. 2015-006-COS with ESP Group, Inc.
 2. Contract No. 2015-007-COS with AZTEC Engineering Group, Inc.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

14. **Hydrogen Sulfide Mitigation Construction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9993** authorizing CM@Risk Contract No. 2015-001-COS with Archer Western Construction, LLC, in the amount of \$3,591,593, for construction phase services for hydrogen sulfide mitigation at five pumpback sewer stations.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

15. **Site 71 Well and Booster Pump Station Construction Phase Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10000** authorizing CM@Risk Contract No. 2015-010-COS with MGC Contractors, Inc., in the amount of \$2,386,970, for booster pump station improvements at Site 71 Well and Booster Pump Station.
Location: 7661 E. Thomas Road
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

16. **Land Use License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9994** authorizing Multi-Use Trail and Drainage Improvements Land Use License No. 2015-002-COS with the Central Arizona Water Conservation District for multi-use trail and drainage improvements along the Central Arizona Project (CAP) canal.
Location: South side of the CAP canal bank, east of the Pima 101 Freeway and north of Frank Lloyd Wright Boulevard
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

17. **Scottsdale Arabian Horse Show WestWorld Event Agreement – Vice Mayor Phillips made a motion to adopt Resolution No. 9895 authorizing Contract No. 2015-012-COS with the Arabian Horse Association of Arizona. Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Milhaven and Smith dissenting.**
Request: Adopt **Resolution No. 9895** authorizing Contract No. 2015-012-COS with the Arabian Horse Association of Arizona to produce the Scottsdale Arabian Horse Show in February and two additional horse shows in October and November at the WestWorld facility for the next 20 years.
Staff Contact(s): Paul Katsenes, Tourism and Events Director, 480-312-2890, pkatsenes@scottsdaleaz.gov

CONSENT AGENDA

18. **Cable Television License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10003** authorizing Cable Television License Agreement No. 2015-017-COS with Qwest Broadband Services, Inc., dba CenturyLink.
Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov
- ***19. **Occupational Medical Treatment and Employment-Related Medical Testing Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10008** authorizing Contract No. 2015-020-COS with Scottsdale Lincoln Health Network to provide non-emergency medical treatment for work-related injuries, employment-related medical testing, and physical examinations.
Staff Contact(s): Katherine Callaway, Risk Management Director, 480-312-7841, kcallaway@scottsdaleaz.gov
20. **Harquahala Valley Land Purchase – Approved on Consent.**
Request: Adopt **Resolution No. 9906** authorizing Purchase Agreement No. 2014-167-COS with Vidler Water Company, Inc., and Scottsdale National Golf Club, LLC, for the purchase of land in the Harquahala Valley to provide a long-term supply of groundwater for a new proposed golf course as part of the Irrigation Water Distribution System.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
21. **In Re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation – Opt Out Cases Settlement – Approved on Consent.**
Request: Adopt **Resolution No. 9979** authorizing settlement of the City's claims in the case of *In Re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation – Opt Out Cases* in an amount between \$50,000 and \$100,000, subject to the City Attorney's future approval of the settlement agreement's form and terms, currently pending in the Eastern District of New York, Case No. 14-MD-01720.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
22. **Fiscal Year 2014/15 Capital Improvement Plan Budget Adjustments – Approved on Consent.**
Request: Adopt **Resolution No. 9992** authorizing FY 2014/15 capital improvement plan budget adjustments.
Staff Contact(s): Derek Earle, City Engineer, 480-312-2776, dearle@scottsdaleaz.gov
23. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2014/15 Monthly Financial Report as of October 2014.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 24-26

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.**

REGULAR AGENDA

24. Civic Center Mall Improvements

– Councilman Smith made a motion to adopt Resolution No. 9983 to authorize a FY 2014/15 General Fund Capital Contingency budget appropriation transfer, in the amount of \$300,000, to a newly created capital project titled Civic Center Mall Improvements to be funded by the Tourism Development Fund carryover funds for a design review plan, and the initiation of a Municipal Use Master Site Plan (MUMSP) amendment to the existing MUSP for the Civic Center Mall. The motion died for lack of a second.

– Vice Mayor Phillips made a motion to not adopt Resolution No. 9983. Councilwoman Littlefield seconded the motion, which carried 7/0.

Request: Adopt Resolution No. 9983 to authorize:

1. A FY 2014/15 General Fund Capital Contingency budget appropriation transfer, in the amount of \$300,000, to a newly created capital project titled Civic Center Mall Improvements to be funded by the Tourism Development Fund carryover funds for a design review plan.
2. Reserving debt service, not to exceed \$600,000 annually for 20 years, from the Tourism Development Fund.
3. Initiation of a Municipal Use Master Site Plan (MUMSP) amendment to the existing MUMSP for the Civic Center Mall on 60± acres of City-owned property generally located between E. 1st Street to the north, E. Osborn Road to the south, N. 75th Street to the east, and N. Brown Road to the west.

Presenter(s): Steve Geiogamah, Tourism Development Manager; Derek Earle, City Engineer

Staff Contact(s): Paul Katsenes, Tourism and Events Director, 480-312-2890,

pkatsenes@scottsdaleaz.gov

25. Define Capital and Operating Budget Parameters for Proposed Fiscal Year 2015/16

Requests: – Public Works Executive Director Dan Worth and Budget Director Judy Doyle presentations.

1. Presentation by Public Works Executive Director Dan Worth defining capital budget parameters in the development of the City's Fiscal Year 2015/16 budget.
2. Presentation by City Manager Fritz Behring defining operating budget parameters in the development of the City's Fiscal Year 2015/16 budget.
3. Provide possible direction to staff regarding the City's proposed Fiscal Year 2015/16 Capital and Operating Budget.

Presenter(s): Dan Worth, Public Works Executive Director; Fritz Behring, City Manager

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

26. Monthly Financial Update – City Treasurer Jeff Nichols presentation.

Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of November and December 2014.

Presenter(s): Jeff Nichols, City Treasurer

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

Public Comment – Wendy Springborn spoke about the upcoming Parada del Sol and associated activities. Nohl Rosen, representing Rally for Law Enforcement, invited the Council and public to attend the rally to support Scottsdale Police officers on January 17.

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 27

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.

27. 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 – None

Adjournment – 8:50 P.M.