

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\*SECOND AMENDED\*\*\* MEETING NOTICE AND AGENDA**

**[MOVED REGULAR ITEM NO. 25 TO MARCH 1, 2016; CHANGED START TIME TO 4:00 P.M.;  
MOVED REGULAR ITEM NOS. 24, 25, 26, AND 27 BEFORE THE CONSENT AGENDA;  
AND REWORDED REGULAR ITEM NO. 25]**

### **COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

**Tuesday, February 23, 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 (March 1, 2016).*

**\*\*\*4:00 P.M.**

### **MARKED AGENDA**

#### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 4:04 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 – Vice Mayor Smith**

**Invocation – Pastor Jon Botic, First Baptist Church of Scottsdale**

**Mayor's Report – Mayor Lane read a proclamation in honor of Fast Pitch Day. Social Venture Partners Arizona Executive Director Terri Wogan gave a presentation on Fast Pitch Day.**

**Presentations/Information Updates – American Heart Association Business Development Director Brittany Mayes presentation.**

- **American Heart Association Gold Fit-Friendly Award**

**Presenter(s):** Brittany Mayes, Business Development Director, American Heart Association



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 – Darlene Peterson spoke in opposition to light rail.**

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**

Agreement No. 2013-025-COS-A3 for Item No. 24 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 March 1, 2016 Council meeting.

**– Councilwoman Klapp made a motion to accept the agenda as presented. Councilmember Korte seconded the motion, which carried 7/0.**

## MINUTES

**Request:** Approve the [Special Meeting Minutes of January 26, 2016](#); [Regular Meeting Minutes of January 26, 2016](#); [Work Study Session Minutes of January 19, 2016](#) and [February 1, 2016](#); and Executive Session Minutes of January 11, 2016.

**– Councilmember Korte made a motion to approve the Special Meeting Minutes of January 26, 2016; Regular Meeting Minutes of January 26, 2016; Work Study Session Minutes of January 19, 2016 and February 1, 2016; and Executive Session Minutes of January 11, 2016. Councilwoman Littlefield seconded the motion, which carried 7/0.**

## \*\*\*REGULAR AGENDA ITEMS 24-27

**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.**

24. **Scottsdale Museum of the West Management Agreement**

**Request:** Adopt **Resolution No. 10354** to authorize:

1. Agreement No. 2013-025-COS-A3 with Museum of the West, Inc., for the Museum of the West Permanent Gallery Development and Marketing Project.
2. A FY 2015/16 Tourism Development Fund Contingency Budget appropriation transfer in an amount not to exceed \$500,000 that will be funded from the City portion of the bed tax carry-over fund, for use towards the Museum of the West Permanent Gallery Development and Marketing Project.

**Presenter(s):** Karen Churchard, Tourism and Events Director

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

– **Tourism and Events Director Karen Churchard presentation.**

– **Councilmember Korte made a motion to adopt Resolution No. 10354 approving and adopting Agreement No. 2013-025-COS-A3 an amendment to the Museum Management Agreement between the City and the Museum of the West. Councilwoman Klapp seconded the motion, which carried 7/0.**

\*\*\*25. **Employee Medical Plans and Premiums**

(Item No. 25 is being moved to March 1, 2016, at the request of staff.)

26. **City's Proposed Fiscal Year 2016/17 Rates and Fees**

**Request:** Presentation, discussion, and possible direction to staff regarding the City's proposed FY 2016/17 rates and fees.

**Presenter(s):** Jeff Nichols, City Treasurer; Dan Worth, Public Works Director; Brian Biesemeyer, Acting City Manager

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

– **Public Works Director Dan Worth, Acting City Manager Brian Biesemeyer, and City Treasurer Jeff Nichols presentations.**

27. **Monthly Financial Update**

**Request:** Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of January 2016.

**Presenter(s):** Jeff Nichols, City Treasurer

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

– **City Treasurer Jeff Nichols presentation.**

## **CONSENT AGENDA**      **ITEMS 1-22**

**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 Smith made a motion to approve Consent Agenda Items 1 through 22. Councilwoman Klapp seconded the motion, which carried 7/0.**

1. **Farm & Craft Liquor License (5-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:** 4302 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **El Hefe Liquor License (6-LL-2016) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 6 (bar) State liquor license.  
**Location:** 4425 N. Saddlebag Trail, Suite 101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **Whiskey Row Liquor License (7-LL-2016) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 6 (bar) State liquor license.  
**Location:** 4420 N. Saddlebag Trail, Suite 105  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **Smokehaus Liquor License (8-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:** 3636 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **Crab & Mermaid Liquor License (9-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:** 4218 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **Egg N’ Joe Liquor License (10-LL-2016) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent change for an existing Series 12 (restaurant) State liquor license.  
**Location:** 23271 N. Scottsdale Road, Suite A101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
7. **Verizon PHO Poinsettia AZ01-020 Conditional Use Permit (12-UP-2015) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met, and adopt  
**Resolution No. 10352** approving a Conditional Use Permit for a new Type 4, Alternative Concealment Wireless Communication Facility in the design of an artificial pine tree on property with Multiple-Family Residential (R-5) zoning.  
**Location:** 12000 N. 90<sup>th</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

8. **Crown Castle Days Inn and Suites Hotel Conditional Use Permit (13-UP-2015) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met, and adopt **Resolution No. 10351** approving a Conditional Use Permit for a new Type 4, Alternative Concealment Wireless Communication Facility in the design of a 62-foot and 6-inch-tall artificial palm tree, with Multiple-Family Residential, Planned Community District (R-5 PCD) zoning.  
**Location:** 7330 N. Pima Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
9. **Alley Abandonment (2-AB-2015) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10341** authorizing the abandonment of a 10-foot-wide by 175-foot-long alleyway located along the northwest boundary of the property with General Commercial (C-4) zoning.  
**Location:** Adjacent to 1723 N. Scottsdale Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
10. **Pima Commercial GLO Abandonment (8-AB-2015) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10339** authorizing the abandonment of the 33-foot General Land Office Patent Easement along the north, east, and south property lines of Assessor Parcel No. 217-15-035A, with Industrial Park (I-1) zoning.  
**Location:** Approximately ¼ mile north of the northeast corner of E. Raintree Drive and northbound State Route Loop 101 frontage road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
11. **Scottsdale National Golf Club Preliminary Plat (3-PP-2015) – Approved on Consent.**  
**Request:** Approve a 2-parcel preliminary plat for a golf course development and an Arizona Public Service electrical power substation on 650± acres with Single-Family Residential, Environmentally Sensitive Lands (R1-190/ESL) District zoning; Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) District zoning; and Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R/ESL) District zoning.  
**Location:** Northeast corner of E. Rio Verde Drive and the N. 116<sup>th</sup> Street alignment  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
12. **Palo Verde Homes Rezoning (14-ZN-2015) – Approved on Consent.**  
**Requests:**
  1. Adopt **Ordinance No. 4237** approving a zoning district map amendment from Single-Family Residential (R1-43) to Single-Family Residential (R1-18) and (R1-35) Planned Residential Development (PRD) zoning, with a development plan and amended development standards, for a new 8-lot single family subdivision on 4.8± acres.
  2. Adopt **Resolution No. 10324** declaring the document entitled “Palo Verde Development Plan” to be a public record.**Location:** Southeast corner of Palo Verde Lane and Paradise View Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
13. **Hampton Inn Rezoning (16-ZN-2015) – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4236** approving a zoning district map amendment from Multi-Family Residential (R-5) District zoning to Central Business (C-2) District zoning on a 4± acre site.  
**Location:** 10101 N. Scottsdale Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

14. **Thomas Road and Hayden Road Intersection Improvements – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10345** authorizing the acquisition of right-of-way and temporary construction easements along Thomas Road near and including its intersection with Hayden Road.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
15. **Indian School Park Lake Rehabilitation Project Construction Phase Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10325** authorizing CM@Risk Contract No. 2016-011-COS with Valley Rain Construction in the amount of \$1,916,120.00 for the Indian School Park Lake Rehabilitation Project.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
16. **Verizon Wireless Revocable License Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10266** authorizing Agreement No. 2015-235-COS with Verizon Wireless, LLC, permitting the installation and operation of a wireless telecommunications antenna site at Indian School Park.  
**Location:** East of the northeast corner of Indian School Road and Hayden Road  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
17. **Water Resources Parcel Acquisitions – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10344** authorizing acceptance of title for the following two parcels of land from Toll Brothers AZ Construction Company:
  1. 2,556± square-feet located within Tract 1, abutting the west-side of Tract D south of Quail Track Drive.
  2. 3,569± square-feet located immediately east of Quail Track Drive at the north-end of Tract C.**Location:** Within the Atalon Subdivision north and west of Jomax Road and N. 118<sup>th</sup> Street  
**Staff Contact(s):** David Petty, Acting Water Resources Director, 480-312-5683, [dpetty@scottsdaleaz.gov](mailto:dpetty@scottsdaleaz.gov)
18. **Transit Service Intergovernmental Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10304** authorizing Agreement No. 2013-047-COS-A4 with the Regional Public Transportation Authority to decrease the cost from \$1,338,613 to \$286,985 for FY 2015/16 to provide fixed route transit service and East Valley Dial-a-Ride service.  
**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, [pbasha@scottsdaleaz.gov](mailto:pbasha@scottsdaleaz.gov)
19. **Fire Department Education Cart Revocable License Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10356** authorizing Agreement No. 2016-020-COS with Scottsdale Fashion Square, LLC, for placement of the Fire Department's Education Cart at Scottsdale Fashion Square.  
**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
20. **Audit Committee Recommendation for Historic Preservation Commission Sunset Review – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10353** accepting the Audit Committee's recommendation and authorizing the continuation of the Historic Preservation Commission.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
21. **Financial Statement Audit Services Contract Extension – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10355** authorizing a one-year extension of Contract No. 2015-052-COS with Heinfeld, Meech & Co., P.C., in the amount of \$91,000, for the audit of the City's FY 2015/16 financial statements and related services.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
22. **Monthly Financial Report – Approved on Consent.**  
**Request:** Accept the FY 2015/16 Monthly Financial Report as of December 2015.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

## **REGULAR AGENDA**      **ITEM 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.**

### **23. [BASIS Charter School Abandonment \(11-AB-2015\) and Development Agreement](#)**

**Requests:**

1. Adopt **Resolution No. 10327** authorizing the abandonment of the 20-foot-wide 127<sup>th</sup> Street right-of-way from E. Cochise Drive north approximately 576 feet to E. Shea Boulevard; the 33-foot-wide General Land Office patent easements on the east and west sides and the north 13 feet of the 33-foot-wide General Land Office patent easement on the south side of the property located at 12730 E. Cochise Drive; and the 33-foot-wide General Land Office patent easement on the west side and the north 13 feet of the 33-foot-wide General Land Office patent easement on the south side of Parcel No. 217-32-010 at the southwest corner of E. Shea Boulevard and N. 128<sup>th</sup> Street for a new charter school with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.
2. Adopt **Resolution No. 10346** authorizing Development Agreement No. 2016-017-COS with BASIS Schools, Inc., outlining traffic mitigation measures and school operations for a new charter school located at the southwest corner of N. 128<sup>th</sup> Street and E. Shea Boulevard.

**Presenter(s):** Doris McClay, Planner

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

**– Planner Doris McClay presentation.**

**– Applicant Representative Jordan Rose presentation.**

**– Councilmember Korte made a motion to adopt Resolution No. 10327. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilman Phillips dissenting.**

**– Councilwoman Milhaven made a motion to adopt Resolution No. 10346 authorizing Development Agreement No. 2016-017-COS with BASIS Schools, outlining traffic mitigation measures and school operations for a new charter school located at the southwest corner of east Shea and 128<sup>th</sup> Street. Councilwoman Littlefield seconded the motion, which carried 6/1, with Councilman Phillips dissenting.**

### **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 28

**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.

**28. 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 agendaize 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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – Councilmember Korte made a motion to direct staff to agendaize a presentation, discussion, and possible direction to staff on what steps the City might take to assure that charter schools seeking to locate in the City will have minimal impact on relevant neighborhoods, including possible communications to State legislators regarding issues arising from existing State statutes. Councilwoman Littlefield seconded the motion, which carried 7/0.**

**Adjournment – 8:00 P.M.**