

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED CONSENT ITEM NO. 16 AND REWORDED REGULAR ITEM NO. 21]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, April 5, 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 (April 19, 2016).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 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 – Boy Scout Troop 911, Troop Leaders Patrick Iannone and Andrew Armstrong

Invocation – Former Councilman Dennis Robbins

Mayor's Report – Mayor Lane announced that April 10 through 16 is National Library Week. Mayor Lane presented a proclamation in honor of Volunteer Week, April 10 through 16, to Senior Human Resources Analyst Cindi Eberhardt.

City Manager's Report – None

Presentations/Information Updates – None

Public Comment – Michael Fernandez spoke in opposition to light rail transit. David Szafranski and John Nolan presented a citizen petition asking the Council to: 1) agendaize a discussion on enforcement of existing noise abatement procedures on flights arriving and departing the Scottsdale Airport; 2) commission a health, noise, and environmental impact study; and 3) conduct a Town Hall meeting to openly discuss issues of concerned citizens. Mark Stuart expressed concern on costs associated with the TPCScottsdale golf course and mayoral candidates. Jim Duncan, representing Salt River Project, commented on the success of the recent Canal Convergence event.



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).

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."**

MINUTES

Request: Approve the [Special Meeting Minutes of March 1, 2016](#); [Regular Meeting Minutes of March 1, 2016](#) and [March 15, 2016](#); and Executive Session Minutes of March 1, 2016.

– Councilman Phillips made a motion to approve the Special Meeting Minutes of March 1, 2016; Regular Meeting Minutes of March 1, 2016 and March 15, 2016; and Executive Session Minutes of March 1, 2016. Councilwoman Klapp 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 Item 4 (which is being continued to April 19, 2016), Item 5, Item 16 (which was removed at the request of staff), and Items 8 and 9 (which were moved to the Regular Agenda). Vice Mayor Smith seconded the motion, which carried 7/0.

- [El Dorado Bar and Grill Liquor License \(20-LL-2016\)](#) – 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 an existing location with a new license series.
Location: 8708 E. McDowell Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Carlson Creek Vineyard Liquor License \(21-LL-2016\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 19 (tasting room) State liquor license for a new location and owner.
Location: 4142 N. Marshall Way
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [The Saguaro Liquor License \(22-LL-2016\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for an existing location with a new owner.
Location: 4000 N. Drinkwater Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Impact Church/Sunrise Luxury Living Perimeter Exception \(1-PE-2015\)](#) – Continued to April 19, 2016.**
Request: At the request of the staff, continue to April 19, 2016.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

5. [Aire on McDowell Non-Major General Plan Amendment and Rezoning \(4-GP-2015 and 15-ZN-2015\)](#) – **Councilwoman Klapp made a motion to continue Item 5 to May 3, 2016. Councilmember Korte seconded the motion, which carried 7/0.**
Requests:
 1. Adopt **Resolution No. 10387** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map to change the land use map designation from Mixed Use Neighborhoods to Urban Neighborhoods on a 7.1± acre site.
 2. Adopt **Ordinance No. 4243** approving a Zoning District Map Amendment from Highway Commercial (C-3) to Multi-Family Residential (R-5) zoning on a 6.8± gross-acre site.**Location:** 6802 – 6880 E. McDowell Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

6. [Citywide Civil/Site Construction Projects Job Order Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10379** authorizing the following job order contracts for Citywide civil/site construction projects:
 1. Contract No. 2016-037-COS with DBA Construction, Inc.
 2. Contract No. 2016-038-COS with Nesbitt Contracting Co., Inc.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

7. [Engineering Services Contract Modification for Zone 2 Water System Improvements](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10395** authorizing Contract No. 2016-007-COS-A1 with GHD, Inc., in the amount of \$560,234, for final engineering services to design the Zone 2 Water System Improvements.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

8. [Engineering Services Contract for the Thomas Groundwater Treatment Facility](#) – **Councilman Phillips made a motion to adopt Resolution No. 10317. Mayor Lane seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 10317** to authorize:
 1. Contract No. 2016-008-COS with Water Works Engineers, LLC, in the amount of \$1,780,660, for engineering services to provide master planning and design services for the Thomas Groundwater Treatment Facility.
 2. A FY 2015/16 budget appropriation transfer in the amount of \$18,000,000 from the Chaparral Water Treatment Plant Pretreatment CIP Project (WB56) water rates funding source to a newly created CIP project to be titled Thomas Groundwater Treatment Facility to also be funded by water rates.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

9. [Engineering Services Contract for the Design of a Compressed Natural Gas Slow-Fill and Fast-Fill System](#) – **Councilman Phillips made a motion to adopt Resolution No. 10318. Councilwoman Littlefield seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 10318** authorizing Contract No. 2016-009-COS with Applied Engineering, Inc., in the amount of \$117,775.30, for engineering services to design a Compressed Natural Gas Slow-Fill and Fast-Fill System located at the Solid Waste Transfer Station.
Location: 8417 E. Union Hills Drive
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

10. **Strada Racing Club WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10394** authorizing Contract No. 2016-044-COS with Strada Racing Club, Inc., to practice and train on Lot D, the asphalt pad of the recessed retention area at WestWorld, from April 14, 2016, through July 5, 2016.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
11. **K O'Donnell's Bar and Grill Teletrack Wagering Establishment License – Approved on Consent.**
Request: Consider approval of an application for a new teletracking establishment license for K O'Donnell's Bar and Grill.
Location: 14850 N. Northsight Boulevard
Staff Contact(s): Dennis Enriquez, Business Services Director, 480-312-5925, denriquez@scottsdaleaz.gov
12. **Crash Analysis Software Grant – Approved on Consent.**
Request: Adopt **Resolution No. 10374** authorizing the acceptance of a grant in the amount of \$23,361 from the Federal Highway Administration through the Arizona Department of Transportation for the purpose of reimbursing the City for the cost of crash analysis software.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
13. **Termination of Intergovernmental Agreement for Park Rooms – Approved on Consent.**
Request: Adopt **Resolution No. 10376** authorizing Agreement No. 1992-088-COS-A1 with Scottsdale Unified School District No. 48 to terminate the agreement regarding the use of park rooms at 100th Street School (known today as Cheyenne Traditional School).
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
14. **Scottsdale Housing Annual Agency Plan – Approved on Consent.**
Request: Adopt **Resolution No. 10372** to:
 1. Approve the FY 2016/17 Annual Agency Plan for the operation of, and to serve as the funding application for, the Housing Choice Voucher (HCV) Program, and authorize its submission to the U.S. Department of Housing and Urban Development (HUD).
 2. Authorize the revised Administrative Plan and its submission to HUD.
 3. Authorize the acceptance of HCV vouchers.**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
15. **Airport Ground Lease Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10333** authorizing the following agreements related to the lease of .5± acres of land located on and adjacent to Taxiway "C":
 1. Lease Agreement No. 2016-014-COS with Cherokee Aviation Holdings, LLC.
 2. Consent Agreement No. 2016-014-COS-E1 with Cherokee Aviation Holdings, LLC and ZB, N.A. dba National Bank of Arizona.**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
- ***16. **Photo Enforcement Contract Amendment**
(Removed at the request of the staff)
17. **City of Scottsdale v. Expert Maintenance Systems, Inc., Settlement Recovery – Approved on Consent.**
Request: Adopt **Resolution No. 10392** authorizing the City to accept payment in the amount of \$52,244.92 in the settlement of a claim entitled *City of Scottsdale v. Expert Maintenance Systems, Inc.*, City Claim No. 151610-PR-034.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

18. [Erica Rahn v. City of Scottsdale Legal Fees](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10398** authorizing the Risk Management Department to continue to pay the Law Firm of Holloway Odegard & Kelly, P.C., in an amount not to exceed a total maximum of \$125,000, pursuant to Contract No. 2015-027-COS (previously Contract No. 2011-013-COS with the Law Firm of Holloway Odegard Forrest & Kelly) for the legal defense of *Erica Rahn v. City of Scottsdale*, Case No. 1 CA-CV 15-0767 SC, currently pending in the Arizona Court of Appeals, Division One.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
19. [Marcellus v. City of Scottsdale et al. Legal Fees](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10400** authorizing legal fees to be incurred in Contract No. 2015-031-COS with the Law Offices of Robert S. Murphy, LLC, in an amount not to exceed a total of \$150,000 for the defense of *Marcellus v. City of Scottsdale et al.*, Cause No. CV2015-091140, currently pending in Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@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. [Najafi Ranch aka Rancho Paraiso Conditional Use Permit \(4-UP-2013\)](#)
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10360** approving a Conditional Use Permit for a Ranch on a 6.25± acre site located at the southeast corner of E. Cactus Road and N. 68th Place with Single-Family Residential (R1-35) zoning.
Location: 12011 N. 68th Place, 12033 N. 68th Place, and 6912 E. Paradise Drive
Presenter(s): Meredith Tessier, Planner
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
– **Planner Meredith Tessier, Applicant Representative Wendy Riddell, and Applicant Dionne Najafi presentations.**
- **Councilman Phillips made a motion to continue the Najafi Ranch Conditional Use Permit request to allow the parties the opportunity to achieve a better solution. Vice Mayor Smith seconded the motion. There was no vote taken on the motion.**
- **Councilwoman Milhaven made an alternate motion to find that the conditional use permit criteria have been met, and adopt Resolution No. 10360 approving a Conditional Use Permit for a Ranch on a 6.25± acre site located at the southeast corner of East Cactus Road and North 68th Place, including amended stipulation number 9. Councilwoman Klapp seconded the motion, which carried 4/3, with Vice Mayor Smith and Councilmembers Littlefield and Phillips dissenting.**

***21. [Terminal Area Redevelopment Project Lease Agreements](#)

Request: Adopt **Resolution No. 10368** authorizing the following lease agreements for the future redevelopment of the terminal area at Scottsdale Airport:

1. Agreement No. 2016-028-COS with Gemini Air Group, Inc., for two corporate jet hangers.
2. Agreement No. 2016-030-COS with Maza Concepts, LLC, d/b/a The Brick, for a restaurant.
3. Agreement No. 2016-031-COS with Maza Concepts, LLC, d/b/a The Brick, for administrative offices for catering services.

Presenter(s): Gary Mascaro, Aviation Director

Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

– **Aviation Director Gary Mascaro presentation.**

– **Councilman Phillips made a motion to adopt Resolution No. 10368 authorizing Agreement No. 2016-028-COS, Agreement No. 2016-030-COS, and Agreement No. 2016-031-COS.**

Councilwoman Littlefield seconded the motion, which carried 7/0.

22. [Proposed City Charter Amendment](#)

Requests:

1. Adopt **Ordinance No. 4247** proposing an amendment to the City Charter to: (1) Clarify that the City's primary and general elections are held concurrently with the State's primary and general elections; and (2) establish that the mayor and council member terms shall commence at the first regular council meeting in January in the year following their election; and submitting the proposed amendment to a vote of the qualified electors of the City at a Special Election to run concurrently with the August 30, 2016 Primary Election. If the City is able to forgo the August 30, 2016 Primary Election, the amendment will be placed on the November 8, 2016 General Election ballot.
2. Adopt **Resolution No. 10404** calling a Special Election to run concurrently with the August 30, 2016 Primary Election, if held, and designating or providing for election dates, publicity pamphlet, Spanish translation of election materials, deadline for voter registration, early voting dates, type of voting system to be used, and the manner in which the City Clerk shall conduct the election.

Presenter(s): Bruce Washburn, City Attorney

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

– **City Attorney Bruce Washburn presentation.**

– **Councilwoman Milhaven made a motion to adopt Ordinance No. 4247 and Resolution No. 10404. Councilwoman Littlefield seconded the motion, which carried 7/0.**

23. [Planned Shared Development Text Amendment \(7-TA-2014\)](#)

Request: Adopt **Ordinance No. 4244** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455, to create the Planned Shared Development Overlay (PSD) district, to allow development standards to apply to a site that is defined by its perimeter rather than applying development standards only to individual parcels or lots. This text amendment also includes miscellaneous additions and minor amendments to Sections 4.100 and 7.820 to incorporate the new PSD overlay district and to eliminate the need for the perimeter exception set forth in the land divisions ordinance.

Presenter(s): Bryan Cluff, Sr. Planner

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

– **Councilwoman Milhaven made a motion to continue Item 23 to May 17, 2016. Councilwoman Klapp 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 – Councilwoman Milhaven made a motion to direct the Acting City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioners, regarding the petition submitted by David Szafranski and John Nolan asking the Council to: 1) agendize a discussion on enforcement of existing noise abatement procedures on flights arriving and departing the Scottsdale Airport; 2) commission a health, noise, and environmental impact study; and 3) conduct a Town Hall meeting to openly discuss issues of concerned citizens. Councilmember Korte seconded the motion, which carried 6/1, with Councilwoman Littlefield 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 – 8:58 P.M.