

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

[ADDED ITEM No. A1 AND CONSENT ITEM NOS. 18A AND 18B;
CONTINUED REGULAR ITEM No. 19; AND REWORDED MINUTES AND 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

Friday, December 2, 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 (January 17, 2017).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:07 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 – Troop 583, Leaders Shannon Aiton and Clarise O'Connor

Invocation – Mayor Lane requested a moment of silence to reflect on the blessings of the City and across the nation for the Holiday season.

Mayor's Report – Mayor Lane congratulated the Saguaro High School Football Team on their 4th consecutive State championship. Mayor Lane recognized John and Caroline Slade for their community generosity in sponsoring "Christmas in Scottsdale," a computerized multimedia holiday show. The Slades have raised and donated more than \$10,000 and delivered more than 3,000 donated toys to Child Crisis Arizona.

Presentations/Information Updates – None

Public Comment – Alex McLaren asked the City to update the exercise equipment at Osborn Park. Lauren Mendoza asked to have the Scottsdale trolley route extended. Lee Massey expressed concern about parking in the Downtown area. Karen O'Connor asked the City to allow the Artisan



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

Market to return to Southbridge. Bill Pfeiffer commented on the two-hour parking limits in downtown and suggested issuing additional permits for business owners.

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 November 28, 2016 Special and Regular Meeting Minutes and Consent Item No. 18B were added to the agenda on December 1, 2016.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is January 17, 2016.

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

MINUTES

*****Request:** Approve the [Regular Meeting Minutes of October 25, 2016](#), [November 14, 2016](#), and [November 28, 2016](#); [Work Study Session Minutes of October 25, 2016](#); [Special Meeting Minutes of November 10, 2016](#) and [November 28, 2016](#); and Executive Session Minutes of November 10, 2016.

– Councilman Phillips made a motion to approve Regular Meeting Minutes of October 25, 2016, November 14, 2016, and November 28, 2016; Work Study Session Minutes of October 25, 2016; Special Meeting Minutes of November 10, 2016, and November 28, 2016; and Executive Session Minutes of November 10, 2016. Councilwoman Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-18B

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 18B, absent Items 14 and 17, which were moved to the Regular Agenda. Councilwoman Klapp seconded the motion, which carried 7/0.

1. [XGolf Scottsdale Liquor License \(94-LL-2016\)](#) – 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 7 (beer and wine bar) State liquor license.

Location: 8480 E. Butherus Drive, Suite 102

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

2. **Rhythm and Wine Liquor License (97-LL-2016) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license for an existing location and owner.
Location: 7605 E. Pinnacle Peak Road, Suite D-1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Permanent Extension of Premises for Tia Shorty's (8-EX-2016) – 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 for an existing location to expand the patio.
Location: 7001 N. Scottsdale Road, Suite 184
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Level Up Conditional Use Permit (9-UP-2015#2) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 10654 approving a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 3,770± square-foot facility with Industrial Park (I-1) zoning.
Location: 14980 N. 78th Way, Suites 204 and 207
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
5. **Byers Dispensary Renewal Conditional Use Permit (10-UP-2015#2) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 10652 approving a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 6,800± square-foot facility with Industrial Park (I-1) zoning.
Location: 15190 N. Hayden Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
6. **Vines & Hops Conditional Use Permit (8-UP-2016) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 10653 approving a Conditional Use Permit for a Bar on a 2400± square-foot site with Central Business/Parking District Downtown Overlay and Parking District Vehicle Parking Downtown Overlay (C-2/P-3 DO & P-2 DO) zoning.
Location: 4216 N. Brown Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Granite Reef Circle Lofts Replat (19-PP-2006#2) – Approved on Consent.**
Request: Approve a replat to an existing approved subdivision final plat for a 20-lot subdivision with Multi-Family Residential (R-5) zoning.
Location: 1401 N. Granite Reef Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Silverstone Parcel F Final Plat (9-PP-2015) – Approved on Consent.**
Request: Approve the final plat for 174 lots on 21.82± acres with Multiple-Family Residential District, Planned Community District (R-5/PCD) zoning.
Location: Southeast corner of E. Pinnacle Peak Road and N. 74th St. (7360 E. Silverstone Dr.)
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

9. [Chauncey Marketplace Rezoning \(19-ZN-2002#4\)](#)
Request: At the request of staff and the applicant, continue to January 17, 2017.
10. [Cattletrack Village Rezoning \(19-ZN-2016\) – Approved on Consent.](#)
Requests:
 1. Adopt **Ordinance No. 4291** approving a zoning district map amendment on a 2.1±-acre site from Single-Family Residential District (R1-43) zoning to Single-Family Residential District, Planned Residential District (R1-18/PRD) zoning, with a development plan and amended development standards, to allow for a 4-lot subdivision.
 2. Adopt **Resolution No. 10651** declaring the document entitled “*Cattletrack Village Development Plan*” to be a public record.**Location:** 5713 N. Cattletrack Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
11. [Clayton Hospitality Outdoor Dining Revocable License Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10644** authorizing Agreement No. 2016-181-COS with Park Park, LLC, for an outdoor dining patio on a City parcel known as Scottsdale Mall.
Location: 7343 E. Scottsdale Mall
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
12. [Aztec \(Pulte\) Park Intergovernmental Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10660** authorizing Agreement No. 1991-065-COS-A1 with Scottsdale Unified School District No. 48 to extend the agreement pertaining to the joint use of Aztec (Pulte) Park.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
13. [Palomino Library Artwork Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10658** authorizing Agreement No. 2016-185-COS with Scottsdale Unified School District No. 48 and Scottsdale Cultural Council, d/b/a Scottsdale Arts, for the installation and maintenance of artwork at Palomino Library.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
14. [Waste Management Phoenix Open Event Agreement – Councilmember Korte made a motion to adopt Resolution No 10646. Councilwoman Milhaven seconded the motion, which carried 7/0.](#)
Request: Adopt **Resolution No. 10646** authorizing Agreement No. 2016-183-COS with The Thunderbird Charities, Inc., for a five-year parking agreement at WestWorld for the Waste Management Phoenix Open.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
15. [Russo and Steele Auto Auction Event Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10622** authorizing five-year event Agreement No. 2016-174-COS with Russo and Steele, LLC, to provide State Land for staging, production, and parking.
Location: State Land located on the southeast corner of Scottsdale Road and Arizona State Route 101
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
16. [American Trucker Festival WestWorld Event Agreement Termination – Approved on Consent.](#)
Request: Adopt **Resolution No. 10655** authorizing the termination of Agreement No. 2016-004-COS with R. Entertainment Company, LLC.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

17. [McDowell Sonoran Preserve Policy Documents](#)

Request: Adopt **Resolution No. 10662** approving the Cultural Resource Master Plan, Ecological Resource Plan, and Conceptual Rock Climbing Plan related to the management of the McDowell Sonoran Preserve.

Staff Contact(s): Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

– **Trails Senior Planner Scott Hamilton presentation.**

– **Councilman Phillips made a motion to adopt Resolution No. 10662. Councilmember Korte seconded the motion, which carried 7/0.**

18. [Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims](#)

– **Approved on Consent.**

Request: Adopt **Resolution No. 10661** authorizing the execution of a letter to the Industrial Commission of Arizona requesting an exemption to the requirement to post security for outstanding workers' compensation claims.

Staff Contact(s): Katherine Callaway, Risk Management Director, 480-312-7841,

kcallaway@scottsdaleaz.gov

***18A. [Scottsdale Municipal Property Corporation Contribution Agreement and Release](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 10670** authorizing Agreement No. 2016-187-COS with Gust Rosenfeld, PLC, to accept \$75,000, paid in three annual installments of \$25,000 each, in order to settle any and all claims the City may have against Gust Rosenfeld, PLC, arising from services performed in connection with the issuance of the City of Scottsdale Municipal Property Corporation Excise Tax Revenue and Refunding Bonds – Series 2013 CUI SP No. 810489 and the City's subsequent settlement with the Internal Revenue Service regarding its disputed assertion that interest on a portion of those bonds was taxable.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

***18B. [Mobile Integrated Healthcare Practice Program Professional Services Agreement](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 10671** authorizing Agreement No. 2015-161-COS-A2 with HonorHealth to extend the agreement for an additional year for the mobile integrated healthcare practice program.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 19-21**

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.**

***19. [Andante Law Group In-Lieu Parking Credits \(5-IP-2016\)](#)

Request: Continue to the January 17, 2017 City Council meeting at the request of the applicant.

– **Councilman Phillips made a motion to continue Item 19 to January 17, 2017. Vice Mayor Littlefield seconded the motion, which carried 7/0.**

20. [2017 State Legislative Agenda](#)

Request: Consider the approval of the City of Scottsdale's 2017 State Legislative Agenda.

Presenter(s): Brad Lundahl, Government Relations Director

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

– **Government Relations Director Brad Lundahl presentation.**

– **Councilwoman Milhaven made a motion to approve the 2017 State Legislative agenda.**

Councilmember Korte seconded the motion, which carried 7/0.

***21. [Raintree 69kV Undergrounding Improvement District No. I-6002](#)

Requests:

1. Adopt **Resolution No. 10649** to:

- a. Begin the formal process of establishing the City of Scottsdale, Underground Utility Facilities Improvement District No. I-6002.
- b. Authorize a FY 2016/17 Special Programs Fund operating contingency budget appropriation transfer not to exceed \$150,000 to a newly-created operating center within the Public Works Division, Capital Project Management Department, to record the one-time administrative activities associated with forming the district. This contingency transfer will be funded by reimbursements from the district and will be recorded as a recovery of expense.
- c. Declare an emergency for the immediate operation of this resolution to allow for the immediate commencement of the notice procedures, which is necessary for the underground improvements to be completed in an expeditious manner.

2. Establish January 17, 2017 as an objection hearing date for the City of Scottsdale, Underground Utility Facilities Improvement District No. I-6002.

Presenter(s): Daniel Worth, Public Works Director

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

– **Public Works Director Daniel Worth presentation.**

– **Councilman Smith made a motion to: (1) Adopt Resolution No. 10649; and (2) establish January 17, 2017, as the date for a public hearing to consider the issue of ordering an election on the formation of the City of Scottsdale, Arizona, Underground Utility Facilities Improvement District No. I-6002, and to receive public comment on the proposed district and, if needed, a public hearing on any written objections received for the district, reserving the right to adjust or cancel the hearing dates as needed. Vice Mayor Littlefield seconded the motion, which carried 7/0.**

Public Comment – Mark Stuart commented on an initiative petition to prohibit any construction in the Preserve.

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 22

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.

22. **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 ITEM 23

23. Request to Agendize a Discussion on Short-term Rentals

Request: At the request of Councilmember Korte, direct staff to agendize: “A presentation, discussion, and direction to staff regarding the City’s short-term rentals ordinance, including: (1) Possible amendments to the short-term rentals ordinance to add penalties, which would go against the owner, and/or revocable license provisions, aimed at reducing excessive noise and neighborhood disturbances; and (2) including an item in the City’s legislative program to effect changes in the State’s short-term rentals law.”

– Councilmember Korte made a motion to direct staff to agendize a presentation, discussion, and direction to staff regarding the City’s short-term rentals ordinance, including: (1) Possible amendments to the short-term rentals ordinance to add penalties, which would go against the owner, and/or revocable license provisions, aimed at reducing excessive noise and neighborhood disturbances; and (2) including an item in the City’s legislative program to effect changes in the State’s short-term rentals law. Councilman Phillips seconded the motion, which carried 7/0.

Adjournment – 6:57 P.M.