

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 31, 2016**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:02 P.M. on Wednesday, August 31, 2016, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane; Vice Mayor Kathleen S. Littlefield; and Councilmembers Suzanne Klapp, Virginia Korte, Linda Milhaven, Guy Phillips, and David N. Smith

Also Present: Acting City Manager Brian Biesemeyer, City Attorney Bruce Washburn, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Junior Girl Scout Troop 2245, Troop Leader Amanda Crisalli

INVOCATION – Pastor David Joynt, Valley Presbyterian

MAYOR'S REPORT – None

PRESENTATIONS

- **Back-to-School Event**
Presenter(s): Greg Bestgen, Human Services Director

Human Services Director Greg Bestgen, Human Services Representative Rosa Pinedo, and Human Services Manager Eugenio Munoz-Villafane gave a presentation on the City's back-to-school event.

PUBLIC COMMENT – Darlene Petersen asked the City to clean up the street debris, particularly nails, from the construction projects in her neighborhood.

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

CONSENT AGENDA

1. Enterprise Rent-A-Car Conditional Use Permit (38-UP-1991#2)

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10544** amending and eliminating obsolete stipulations of existing Conditional Use Permit No. 38-UP-1991 for vehicle leasing, rental, or sales on a 1.07± acre site with Highway Commercial District (C-3) zoning.

Location: 1815 N. Scottsdale Road

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

2. AT&T CMC Golf – Site No. W384-BB Conditional Use Permit (6-UP-2011#2)

Request: Find that the conditional use permit criteria have been met, and adopt **Resolution No. 10543** approving a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication Facility concealed within a 55-foot-tall artificial palm tree, with associated ground mounted equipment, with Industrial Park (I-1) zoning.

Location: 15695 N. 83rd Way

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

3. Sixt Rent a Car at Scottsdale Seville Conditional Use Permit (2-UP-2016)

Request: Find that the conditional use permit criteria have been met, and adopt **Resolution No. 10545** approving a Conditional Use Permit for vehicle leasing, rental, or sales within an existing suite at the Seville retail center on a 11.5± acre site with Central Business District, Parking P-4 District (C-2/P-4) zoning.

Location: 7001 N. Scottsdale Road, Suite #E-195

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

4. City of Scottsdale Fire Station 613 Municipal Use Master Site Plan (1-UP-2016)

Request: Adopt **Resolution No. 10546** approving the Municipal Use Master Site Plan for a new City fire station on a 11.4± acre site with Single-Family Residential, Environmentally Sensitive Lands and Foothills Overlay (R1-43 ESL FO) zoning.

Location: 26380 N. Hayden Road

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

5. McIntosh Abandonments (5-AB-2016)

Request: Adopt **Resolution No. 10528** authorizing the abandonment of the 33-foot General Land Office Patent Easement on the western boundary of the property, and abandoning the western 5 feet of the Roadway Easement located along N. 124th Street, leaving a 35-foot half-street of right-of-way for a property with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.

Location: 10300 N. 124th Street

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

6. **Parcel 12A of McCormick Ranch Center Ordinance Adoption Rezoning (65-ZN-1982#2)**
Request: Adopt **Ordinance No. 4270** affirming Case No. 65-Z-82 for a Zoning District Map Amendment from General Commercial Planned Community (C-4 PCD) zoning to Highway Commercial Planned Community (C-3 PCD) zoning and a Development Plan pertaining to Parcel 12A of the McCormick Ranch Center PCD on a 21.44± acre site.
Location: 8880, 8890, 8912, and 8922 E. Via Linda; 9350, 9380, and 9396 N. 90th Street; and 8919 E. San Victor Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

7. **Christian Bros Automotive-Scottsdale Rezoning and Conditional Use Permit (21-ZN-2015 and 14-UP-2015)**

Item 7 was moved to the Regular Agenda (Page 4).

8. **Paseo De Las Flores Non-Major General Plan Amendment and Rezoning (2-GP-2016 and 4-ZN-2016)**

Requests:

1. Adopt **Resolution No. 10547** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map to change the land use designation from Office to Commercial on a 2.64± acre site.
2. Adopt **Ordinance No. 4272** approving a Zoning District Map Amendment to amend the Planned Community (P-C) zoning district from comparable Single-Family Residential (R1-7) zoning uses and property development standards to comparable Neighborhood Commercial (C-1) zoning uses and property development standards and amend the McCormick Ranch Master Development Plan to modify access and site plan on a 2.64± acre site.

Location: 7300 N. Via Paseo Del Sur

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

9. **Scottsdale Museum of the West Budget Contingency Transfer**

Request: Adopt **Resolution No. 10468** to authorize:

1. A FY 2016/17 Tourism Development Fund Operating Contingency Budget Appropriation transfer not to exceed \$119,372 to the Capital Improvement Plan, and the creation of a new capital project to be titled Scottsdale's Museum of the West Permanent Hopi Pottery Gallery for the construction, build out, and completion of the new exhibition gallery for the Hopi ceramic collection.
2. A FY 2016/17 Tourism Development Fund Operating Contingency Budget transfer in the amount of \$380,628 to the Tourism and Events Department operating budget to pay Scottsdale Museum of the West, Inc., for collection curation services, exhibition delivery, and marketing and promotion of the new exhibit per Contract No. 2013-025-COS-A3.

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

10. **School Resource Officer Intergovernmental Agreement**

Request: Adopt **Resolution No. 10536** authorizing Agreement No. 2016-138-COS with Cave Creek Unified School District for the provision of a Scottsdale Police Officer to serve as a School Resource Officer.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdale.gov

11. Animal Care and Control Services Intergovernmental Agreement

Request: Adopt **Resolution No. 10539** authorizing Agreement No. 2012-030-COS-A1 with Maricopa County in the amount of \$173,000 per year for the provision of animal care and control services.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900,
arodbell@scottsdale.gov

12. Open Data Policy and Program

Request: Adopt **Resolution No. 10548** establishing an open data policy and directing the City Manager to establish an open data program.

Staff Contact(s): Brian Biesemeyer, Acting City Manager, 480-312-5683,
bbiesemeyer@scottsdaleaz.gov

12A. Internal Revenue Service Settlement Agreement

Request: Adopt **Resolution No. 10565** to authorize:

1. The City Manager to enter into a settlement in the amount of \$750,853.39 with the Internal Revenue Service regarding its disputed assertion that interest on a portion of the City of Scottsdale Municipal Property Corporation Excise Tax Revenue and Refunding Bonds-Series 2013 CUI SP No. 810489 is taxable.
2. The City Treasurer to make a budget transfer in the amount of \$750,853.39 from the adopted FY 2016/17 General Fund Operating Contingency to the City Attorney's operating budget to fund payment of the settlement.

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

City Attorney Bruce Washburn gave a presentation on the proposed settlement with the Internal Revenue Service.

MOTION AND VOTE – CONSENT AGENDA

Councilmember Korte made a motion to approve Consent Agenda Items 1 through 12A, absent Item 7, which was moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0.

REGULAR AGENDA

7. Christian Bros Automotive-Scottsdale Rezoning and Conditional Use Permit (21-ZN-2015 and 14-UP-2015)

Requests:

1. Adopt **Ordinance No. 4269** approving a Zoning District Map Amendment to amend the Development Plan by eliminating all zoning stipulations from Zoning Case No. 44-Z-88 on a 1.33± acre site with Highway Commercial, Planned Community District (C-3 PCD) zoning.
2. Find that the conditional use permit criteria have been met, and adopt **Resolution No. 10527** approving a Conditional Use Permit for Vehicle Repair on a 1.33± acre site with Highway Commercial, Planned Community District (C-3 PCD) zoning.

Location: 11416 E. Desert Cove Avenue

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

City Planner Meredith Tessier and architect and applicant representative Sake Reindersma gave PowerPoint presentations on the proposed rezoning and conditional use permit requests. Christian Brothers Automotive Development Director Jonathan Wakefield also gave a brief presentation.

MOTION AND VOTE – ITEM 7

Councilwoman Klapp made a motion to adopt Ordinance No. 4269 approving a Zoning District Map Amendment to amend the Development Plan by eliminating all zoning stipulations from Zoning Case No. 44-Z-88 with Highway Commercial, Planned Community District (C-3 PCD) zoning; find that the conditional use permit criteria have been met; and adopt Resolution No. 10527 approving a conditional use permit for vehicle repair. Councilwoman Milhaven seconded the motion, which carried 6/1, with Councilman Phillips dissenting.

13. Medical Marijuana Text Amendment (8-TA-2010#3)

Request: Adopt **Ordinance No. 4271** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Use and Medical Marijuana Caregiver Cultivation, including revisions to separation requirements and addition of protected uses.

Presenter(s): Bryan Cluff, Sr. Planner

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

Senior Planner Bryan Cluff gave a PowerPoint presentation on the proposed medical marijuana text amendment.

Mayor Lane opened public testimony.

Ryan Hurley, Rose Law Group, spoke in support of the proposed text amendment.

Mayor Lane closed public testimony.

MOTION AND VOTE – ITEM 13

Councilman Phillips made a motion to adopt Ordinance No. 4271 approving Medical Marijuana Text Amendment 8-TA-2010#3. Vice Mayor Littlefield seconded the motion, which carried 7/0.

PUBLIC COMMENT – None

CITIZEN PETITIONS

14. Receipt of Citizen Petitions

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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS

15. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for September 13, 2016)**

Airport Advisory Commission (*three vacancies*) – Councilman Phillips nominated John Berry and Cory Little; Councilman Smith nominated Kevin Maxwell, Charles McDermott, and Renee Wittrock; Mayor Lane nominated John Berry and Kevin Maxwell; and Vice Mayor Littlefield nominated Larry Brow, Charles McDermott, and Cory Little.

Building Advisory Board of Appeals (*four vacancies*) – Councilman Smith nominated Scott Rothman.

Human Relations Commission (*two vacancies*) – Councilmember Korte nominated Laurie Coe and Janice Shimokubo, Mayor Lane nominated Susan Mellinger, Councilwoman Klapp nominated Nadia Mustafa and Stuart Rhoden, and Vice Mayor Littlefield nominated Laurie Coe and Janice Shimokubo.

Human Services Commission (*one vacancy*) – Mayor Lane nominated Edmund Portnoy, Councilwoman Klapp nominated Greg Pierce, Councilwoman Milhaven nominated Jayne Hubbard, Vice Mayor Littlefield nominated Mark Culbertson, and Councilmember Korte nominated Robert Jones.

Judicial Appointments Advisory Board (*one citizen vacancy*) – Councilwoman Klapp nominated Sandra Schenkat.

Library Board (*one vacancy*) – Councilwoman Milhaven nominated Patricia Bauer, Vice Mayor Littlefield nominated Joseph Rubin, Councilman Phillips nominated Barbara Truelick, Councilman Smith nominated Sheila Collins, and Councilwoman Klapp nominated Sheila Reyman.

Loss Trust Fund Board (*two vacancies*) – Vice Mayor Littlefield nominated Russell Mosser.

Neighborhood Advisory Commission (*two vacancies*) – Councilman Phillips nominated Joe Meli and Carol Miraldi, Councilman Smith nominated Kay Sperduti, Mayor Lane nominated Anne Marie Chiappetta, and Vice Mayor Littlefield nominated Rachel Putman.

Tourism Development Commission (*one hotelier vacancy*) – Councilman Smith nominated Frank Ashmore.

ADJOURNMENT

The Regular City Council Meeting adjourned at 6:23 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

Officially approved by the City Council on September 20, 2016

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 31st day of August 2016.

I further certify that the meeting was duly called and held, and that a quorum was present.

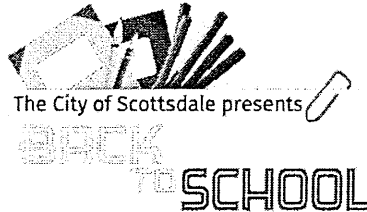
DATED this 20th day of September 2016.



Carolyn Jagger, City Clerk

Presentations/Information Updates

Covering the Bases:
Back to School 2016



Scottsdale City Council

August 31, 2016



City of Scottsdale Community Services
Vista del Camino Center

Back-to-School Event



I thank you for all you've done
to get us ready for school. My siblings
& I are very happy and glad to have you
in our community.

I want to express my deep grateful
for your gifts and help.
You draw a big smile on
my kids faces. May God
bless you.
Thank you
PZ 7/27/16

Dear City of Scottsdale
Volunteers & Sponsors
THANK YOU!
This really did
help give us our
family budget.
I forgot how
much it means

To ALL VOLUNTEERS AND SPONSORS,
We really appreciate all the help that
you had given us. you don't know how
much it means to us.
May God Bless you so you can continue
helping all of those in need



UPDATE: Event Report

990 Scottsdale school children

received backpacks, school supplies, tops, pants, underwear, socks & shoes

- ♥ **990 pairs of Payless Shoes** distributed by the Police Officers of Scottsdale Association
- ♥ **443 families** participated
- ♥ **523 dental screenings** completed by NOAH
- ♥ **54 immunization appointments and 45 well-child appointments** scheduled by NOAH
- ♥ **100 preschool children** received school readiness activity bags from First Things First

- ♥ **Over 1,000 library books** given to children by City of Scottsdale Libraries
- ♥ **752 meals** for children provided by SUSD Nutrition Services
- ♥ **Meals for over 150 volunteers and staff** provided by SUSD Nutrition Services
- ♥ **Kidcare ID Fingerprinting** provided by Police Officers of Scottsdale Association
- ♥ **1,000 hand soap bottles** provided by Henkel



Sponsorship

Concerned Citizens for Community Health (CCCH)
Non-profit fiscal agent for the Back-to-School Program

\$5,000+ Senior Level

Neighborhood Outreach Access to Health
Police-Officers Association of Scottsdale

\$2,500+ Junior Level

Henkel
Scottsdale Charros
Scottsdale Firefighters Association
Scottsdale Unified School District

\$1,000+ Sophomore Level

HonorHealth
Partners for Paiute
Weebly

\$500+ Freshman Level

DMB
First Things First

FUNDING

- ♥ **Concerned Citizens for Community Health** secured sponsors and purchased the clothing.
- ♥ **Salt River-Pima Maricopa Indian Community (SRPMIC)** provided grant used to purchase school supplies.

DONORS & VOLUNTEERS

- ♥ **\$22,270** of in-kind donations
- ♥ **225 volunteers** worked a total of **858 hours** through entire event
- ♥ **Partners for Paiute** organized volunteers for event

Thank you to our Sponsors



Scottsdale *Unified*
SCHOOL DISTRICT



Item 7

Christian Bros. Automotive - Scottsdale

21-ZN-2015 & 14-UP-2015

**City Council
August 31, 2016**

Coordinator: Meredith Tessier

Christian Bros. Automotive – Scottsdale



CONTEXT AERIAL

21-ZN-2015 & 14-UP-2016

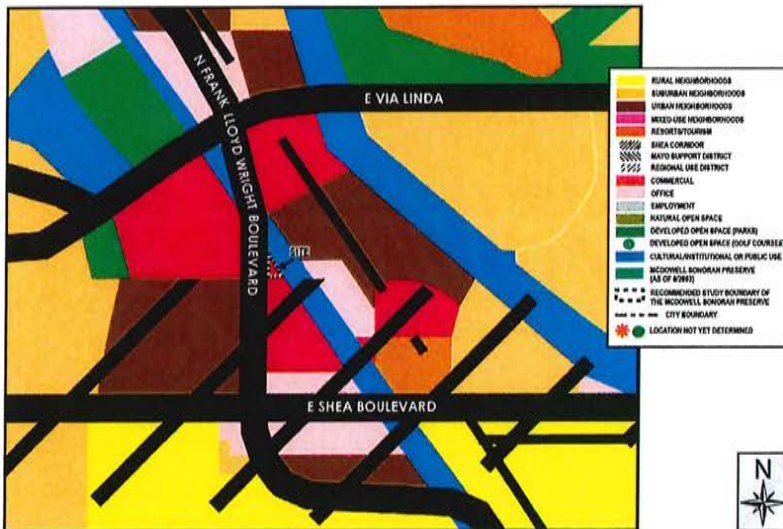
Christian Bros. Automotive – Scottsdale



DETAIL AERIAL

21-ZN-2015 & 14-UP-2015

Christian Bros. Automotive – Scottsdale



GENERAL PLAN LAND USE

21-ZN-2015 & 14-UP-2015

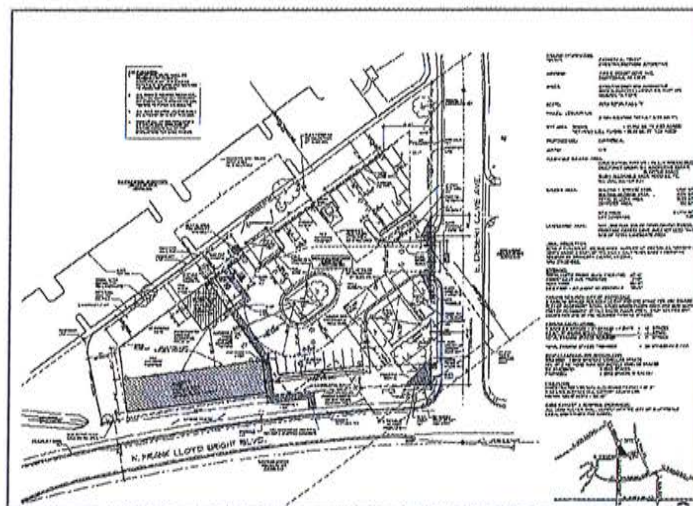
Christian Bros. Automotive – Scottsdale



ZONING

21-ZN-2015 & 14-UP-2015

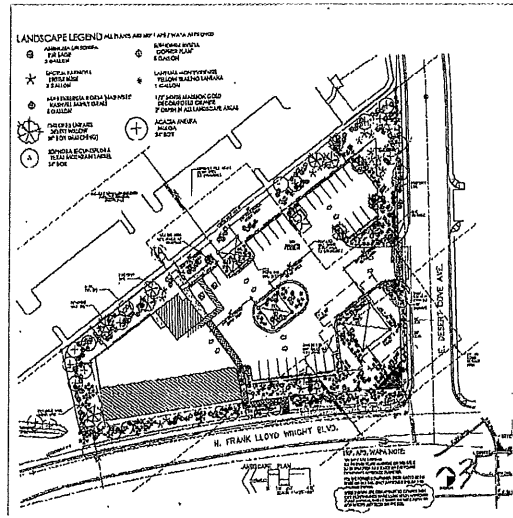
Christian Bros. Automotive – Scottsdale



SITE PLAN

21-ZN-2015 & 14-UP-2015

Christian Bros. Automotive – Scottsdale



LANDSCAPE PLAN

21-ZN-2015 & 14-UP-2015

Item 13

Medical Marijuana Text Amendment

8-TA-2010#3

City Council

August 31, 2016

Coordinator: Bryan Cluff

Medical Marijuana Text Amendment

Request:

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- The City Council initiated this text amendment at their May 17, 2016 meeting.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

REQUEST

8-TA-2010#3

Medical Marijuana Text Amendment

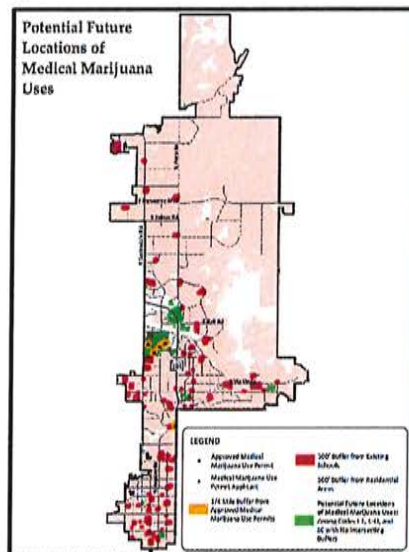
Existing Conditional Use Permit Criteria (I-1, C-O and SC zoning only)

Criteria	Existing
All operations to be within enclosed building	Yes
Separation required from protected uses:	
Residential	500 feet
Schools	500 feet
Separation required between other MMJ uses	1,320 feet
Refuse control plan required	Yes
Public safety plan required	Yes
Drive-through service allowed	No
Hours of operation	6:00am – 7:00pm

BACKGROUND

8-TA-2010#3

Medical Marijuana Text Amendment



POTENTIAL LOCATIONS MAP (EXISTING CONDITIONS)

8-TA-2010#3

Medical Marijuana Text Amendment

City Council Direction

- At the May 17, 2016 meeting, the City Council initiated the text amendment with direction to increase the required separation between Medical Marijuana Facilities, increase the required separation from protected uses, and to add 3 new protected uses (Church, Public Park, Daycare).

COUNCIL DIRECTION

8-TA-2010#3

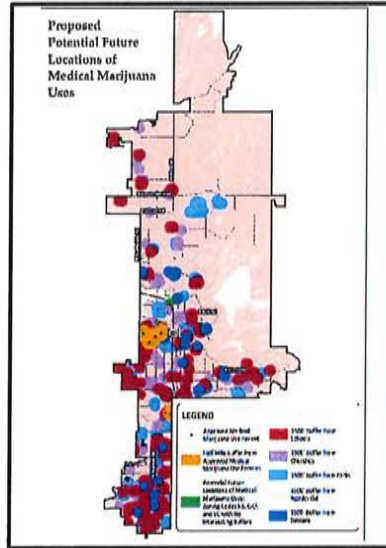
Medical Marijuana Text Amendment

Criteria	Existing	Proposed
All operations to be within enclosed building	Yes	No change
Separation required from protected uses:		
Residential	500 feet	1,500 feet
Schools	500 feet	1,500 feet
Church	none	1,500 feet
Public Park	none	1,500 feet
Day Care	none	1,500 feet
Separation required between other MMJ uses	1,320 feet	2,640 feet
Refuse control plan required	Yes	No change
Public safety plan required	Yes	No change
Drive-through service allowed	No	No change

PROPOSAL

8-TA-2010#3

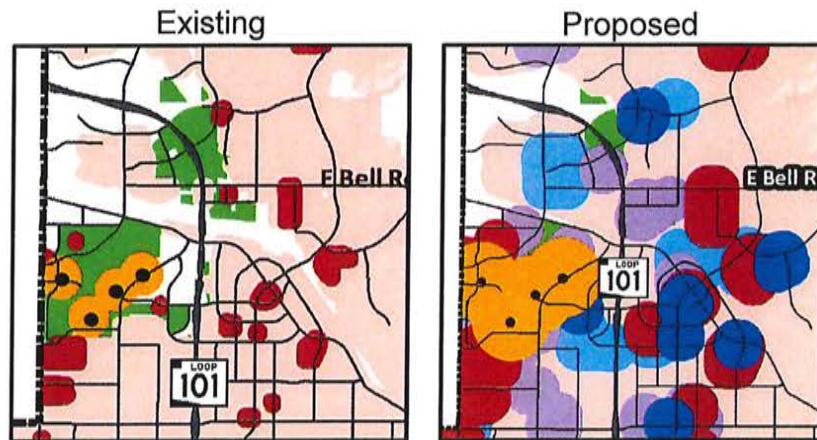
Medical Marijuana Text Amendment



PROPOSAL

8-TA-2010#3

Medical Marijuana Text Amendment



PROPOSAL

8-TA-2010#3

Medical Marijuana Text Amendment

Public Involvement

- Notification of text amendment Interested Parties List
- Notification of owners of existing facilities
- Two open house meeting held by staff
 - June 14, 2016
 - June 16, 2016
- Legal advertisement in newspaper
- Case Fact Sheet on City website

PUBLIC INVOLVEMENT

8-TA-2010#3

Medical Marijuana Text Amendment

Request:

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

REQUEST

8-TA-2010#3