

# SCOTTSDALE

# CITY COUNCIL MEETING

## MEETING NOTICE AND AGENDA

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### COUNCIL

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

Linda Milhaven  
Guy Phillips  
David N. Smith

Tuesday, December 5, 2017

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*Unless an exception is made, or unless otherwise noted, 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 8, 2018).*

**5:00 P.M.**

**MARKED AGENDA**

### CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:05 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 – Councilwoman Klapp**

**Invocation – Mayor Lane reminded everyone that Scottsdale is proclaimed to be a Golden Rule City. He requested a moment of silence to reflect on the simple "Golden Rule" that encourages us to treat others as we would like to be treated.**

**Mayor's Report – Mayor Lane announced that Scottsdale was named among the top 10 "Digital Cities" for the fifth consecutive year.**

**Presentations/Information Updates – Experience Scottsdale President and CEO Rachel Sacco presentation.**

- **Experience Scottsdale Update**  
Presenter(s): Rachel Sacco, President and CEO

**Public Comment – Marietta Strano commented on the closure of the Civic Center Library café. Kathy Hotchner spoke about Detour Company Theatre productions.**

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak card must be submitted together with the petition(s) before the Mayor announces the second Public Comment period. Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. 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).

FOR ADDITIONAL INFORMATION VISIT: [WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

## **CONSENT AGENDA**      **ITEMS 1-26**

**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 Korte made a motion to approve Consent Agenda Items 1 through 26, absent Item 2, which was moved to the Regular Agenda. Councilwoman Klapp seconded the motion, which carried 7/0.**

1. **Caramba Liquor License (89-LL-2017) – 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:** 7318 E. Shea Boulevard, Suite 101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **Rack Liquor License (90-LL-2017) – Vice Mayor Korte made a motion to approve Rack Liquor License (90-LL-2017). 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 new Series 6 (bar) State liquor license for an existing location and owner.  
**Location:** 3636 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **Permanent Extension of Premises for 21 Degrees Cigar (4-EX-2017) – 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 an existing Series 7 (beer and wine bar) State liquor license to add an enclosed patio for an existing location.  
**Location:** 9375 E. Shea Boulevard, Suite 175  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **Permanent Extension of Premises for Michael Dominick’s Lincoln Avenue Prime Steakhouse (5-EX-2017) – 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 an existing Series 12 (restaurant) State liquor license.  
**Location:** 15169 N. Scottsdale Road, Suite C100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **Storyrock Abandonment (4-AB-2017) – Approved on Consent.**  
**Request:** At the request of staff, continue to January 8, 2018.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
6. **Gustafson Abandonment (6-AB-2017) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10968** authorizing the abandonment of the western 33-foot GLO half-street located along N. 71<sup>st</sup> Street, adjacent to the eastern boundary of 7077 E. Wildcat Drive, with Single-Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.  
**Location:** 7077 E. Wildcat Drive (Parcel No. 216-67-160)  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

7. **Skype on McDowell Phase II Final Plat (1-PP-2016#2) – Approved on Consent.**  
**Request:** Approve the final plat for Phase II of the Skype on McDowell residential subdivision, consisting of 24 lots added to the existing 55-lot subdivision, with Multi-Family Residential (R-5) District zoning.  
**Location:** 6801 E. McDowell Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
8. **110<sup>th</sup> & Shea Final Plat (4-PP-2017) – Approved on Consent.**  
**Request:** Approve the final plat for a new residential subdivision, comprised of nine lots and five tracts, on a 3.1±-acre site with Medium Density Residential (R-3) zoning.  
**Location:** 10915 and 10965 E. Shea Boulevard  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
9. **Rose Lane Commercial Parcel Non-Major General Plan Amendment and Rezoning (9-GP-2016 and 22-ZN-2016) – Approved on Consent.**  
**Requests:**
  1. Adopt **Resolution No. 10966** 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 Resort/Tourism to Neighborhood Commercial on a 2.6±-acre site.
  2. Adopt **Ordinance No. 4327** approving a zoning district map amendment from Resort/Townhouse Residential (R-4R) zoning to Neighborhood Commercial (C-1) zoning on a 2.6±-acre site.**Location:** 6160 N. Scottsdale Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
10. **North 70 Non-Major General Plan Amendment and Rezoning (5-GP-2017 and 12-ZN-2017) – Approved on Consent.**  
**Requests:**
  1. Adopt **Resolution No. 10967** 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 Urban Neighborhoods to Suburban Neighborhoods on the eastern 5± acres (Parcel No. 129-13-005A) of a 9.9±-acre site.
  2. Adopt **Ordinance No. 4328** approving a zoning district map amendment from Manufactured Home (M-H) zoning to Multiple-Family Residential (R-5) zoning on a 9.9±-acre site.**Location:** 7010 E. Continental Drive  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
11. **Legal Protest Text Amendment (3-TA-2017) – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4329** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Section 1.102. (Severability), Section 1.706. (Legal protest by property owners), Section 3.100. of Article III. (Definitions), Section 4.100. (Division of City into Districts; Enumeration), and Section 4.201. (Rules where uncertainty may arise) to update the legal protest provisions and other applicable sections to be consistent with Arizona Revised Statutes.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
12. **Drinkwater Bridge Repairs – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10980** authorizing a FY 2017/18 Contingency for Future Grants budget appropriation transfer in the amount of \$750,000 to a newly created Capital Improvement Project to be titled Drinkwater Bridge Interim Structural Repairs, to be funded by the FY 2017/18 Transportation Fund Operating Undesignated, Unreserved Fund Balance.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

13. [Arizona Canal Path Public Art Project – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10981** authorizing a FY 2017/18 budget appropriation transfer in the amount of \$594,000 from the Arizona Canal Path-Chaparral to McDonald to Indian Bend Wash Project (TB58) to a newly created project to be titled Arizona Canal Path Public Art Project, to be funded by the Capital Transportation Sales Tax.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
14. [Engineering Services Contract for Transit Route 72 Improvements – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10962** authorizing Contract No. 2017-170-COS with Ritoch-Powell & Associates Consulting Engineers, Inc., in the amount of \$213,316.77, for engineering services for Transit Route 72 improvements along Scottsdale Road, between Roosevelt Street and Cactus Road.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
15. [Construction Phase Services Contract for Hydrogen Sulfide Mitigation – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10975** authorizing CM@Risk Contract 2017-173-COS with Archer Western Construction, LLC, in the amount of \$307,966 for construction phase services for hydrogen sulfide mitigation at the southwest/Gainey Ranch sewer pumpback station.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
16. [Engineering Services Contract for the Chaparral Water Treatment Plant – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10976** authorizing Contract No. 2017-174-COS with Hazen and Sawyer, P.C., to provide design services for the addition of a pretreatment process at the Chaparral Water Treatment Plant.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
17. [HOME Investment Partnership Program Intergovernmental Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10964** authorizing Agreement No. 2016-015-COS-A1 with Maricopa County, on behalf of the Maricopa HOME Consortium, to receive Federal HOME Investment Partnership funds in the amount of \$206,420.  
**Staff Contact(s):** Bill Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
18. [HOME Investment Partnership Program Conditional Subrecipient Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10965** authorizing Agreement No. 2017-172-COS with Affordable Rental Movement of Save the Family by awarding and specifying conditions associated with Federal HOME Investment Partnership funds in the amount of \$206,420 for housing rehabilitation and rental purposes.  
**Staff Contact(s):** Bill Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
19. [Mobile Integrated Healthcare Practice Program Professional Services Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10936** authorizing Agreement No. 2015-161-COS-A3 with HonorHealth to extend the agreement for an additional six months for the mobile integrated healthcare practice program.  
**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
20. [Fire Service Automatic Aid Intergovernmental Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10887** to:
  1. Terminate Agreement No. 2013-032-COS pursuant to Section 15 of the agreement and authorize the Fire Chief, or designee, to provide the required notice to the other parties.
  2. Authorize Agreement No. 2017-137-COS with other municipalities, fire districts, and governmental jurisdictions for Regional Metropolitan Phoenix Fire Service Automatic Aid.**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)

21. **2017 DNA Capacity Enhancement and Backlog Reduction Program Grant – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10950** to authorize:
1. Acceptance of the 2017 DNA Capacity Enhancement and Backlog Reduction Program formula grant in the amount of \$150,000, if awarded.
  2. The Chief of Police, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant, if awarded.
  3. A budget transfer in the amount of \$150,000 from the adopted FY 2017/18 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity, if the grant is awarded.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
22. **DUI Enforcement and Education Grant – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10952** to authorize:
1. Agreement No. 2017-164-COS with the DUI Abatement Council, administered by the Arizona Governor's Office of Highway Safety, to accept a grant in the amount of \$150,000 for overtime and associated expenses to support DUI enforcement and education.
  2. A budget transfer in the amount of \$150,000 from the adopted FY 2017/18 Future Grants and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activities.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
23. **Goodguys 9<sup>th</sup> Annual Spring Nationals WestWorld Event Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10831** authorizing Contract No. 2017-081-COS with Goodguy Enterprises, Inc., to produce the Goodguys 9<sup>th</sup> Annual Spring Nationals at the WestWorld facility in March 2018.  
**Staff Contact(s):** Brian Dygert, WestWorld General Manager, 480-312-6825, [bdygert@scottsdaleaz.gov](mailto:bdygert@scottsdaleaz.gov)
24. **Sky Harbor Connection Program Budget Transfer – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10982** authorizing a FY 2017/18 Tourism Development Fund operating contingency transfer in the amount of \$300,000 to the Transportation Department Operating Budget for a six-month trial of the Sky Harbor Connection Program.  
**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, [pbasha@scottsdaleaz.gov](mailto:pbasha@scottsdaleaz.gov); Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
25. **Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10974** 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](mailto:kcallaway@scottsdaleaz.gov)
26. **Independent Ethics Reviewers Professional Services Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10935** authorizing the following professional services contracts to allow retired judges to serve as independent ethics reviewers, as required by Scottsdale Revised Code Section 2-57:
1. Contract No. 2017-156-COS with Lawrence Fleischman
  2. Contract No. 2017-157-COS with Penny Willrich
- Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2659, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

## **REGULAR AGENDA**      **ITEM 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.**

### **27. Care Homes/Group Homes Text Amendment (2-TA-2017)**

**Requests:**

1. Adopt **Ordinance No. 4326** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to:
  - a. Amend Section 1.202. (Interpretations and Decisions); Section 1.801. (Powers of the Board of Adjustment); Section 1.1304. (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use); Section 3.100. (Definitions); Section 5.010. (Single-Family Residential (R1-190)); Section 5.012. (Use Regulations); Section 5.100. (Single-Family Residential (R1-43)); Section 5.102. (Use Regulations), which affects all other Single-Family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5, and R-2); Section 5.700. (Medium-Density Residential (R-3)); Section 5.703. (Use Regulations); Section 5.800. (Townhouse Residential (R-4)); Section 5.803. (Use Regulations); Section 5.900. (Resort/Townhouse Residential (R-4R)); Section 5.903. (Use Regulations); Section 5.1001. (Multiple-Family Residential (R-5)); and Section 5.1003. (Use Regulations).
  - b. Add Section 1.806. (Disability Accommodation) and Section 1.920. (Request for Disability Accommodation) to address various types of care homes and group homes in residential zoning districts.
2. Adopt **Resolution No. 10963** declaring the document entitled “2-TA-2017 – Care Homes/Group Homes Text Amendment” to be a public record.

**Presenter(s):** Greg Bloemberg, Sr. Planner

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

**– Senior Planner Greg Bloemberg presentation.**

**–Councilman Phillips made a motion to adopt Ordinance No. 4326 and Resolution No. 10963. Mayor Lane seconded the motion, which carried 7/0.**

### **Public Comment – None**

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council’s jurisdiction. No official Council action can be taken on these items.

Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak card must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. 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 – None**

**Adjournment – 6:16 P.M.**