

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Monday, January 27, 2014

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 (February 4, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 – Councilman Phillips

Invocation – Paula Sturgeon, Bethany Lutheran Church

Mayor's Report – Mayor Lane read a proclamation in honor of the upcoming Hashknife Pony Express and Parada del Sol Parade and Rodeo. The Mayor proclaimed February 2014 as Parada del Sol Month and every Wednesday in February as Western Wednesday. Everyone was urged to show their western pride by wearing western attire every Wednesday in the month of February.

City Manager's Report – None

Presentations/Information Updates – Long Range Planning Manager Erin Perreault presentation

- **General Plan 2014 Update**

Presenter(s): Erin Perreault, Long Range Planning Manager



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).

Possible Executive Session

Notice is hereby given that at any time during tonight's meeting, the City Council may make a motion to recess into Executive Session to discuss and consider the employment, assignment, reappointment, compensation and benefits of the Presiding Judge and; and/or to discuss and consult with the attorneys for legal advice regarding same. A.R.S. § 38-431.03(A)(1) and (A)(3).

Public Comment – Jim Torgeson commented on the City's sign walker code.

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 comments 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 – Councilman Robbins made a motion to accept the agenda as presented. Councilwoman Klapp seconded the motion, which carried 7/0.

The supporting materials for Item No. 12 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 February 4, 2014 Council meeting.

CONSENT AGENDA ITEMS 1-24

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 Items 1 through 24. Councilman Phillips seconded the motion, which carried 7/0.

1. Fresh and Easy No. 1093 Liquor License (121-LL-2013) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) State liquor license for an existing location with a new owner.

Location: 7129 E. Shea Boulevard

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

2. Fresh and Easy No. 1093 Liquor License (120-LL-2013) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10S (sampling privileges for a beer and wine store) State liquor license for an existing location and owner.

Location: 7129 E. Shea Boulevard

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

3. **Fresh and Easy No. 1025 Liquor License (125-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) State liquor license for an existing location with a new owner.
Location: 10781 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Fresh and Easy No. 1025 Liquor License (126-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10S (sampling privileges for a beer and wine store) State liquor license for an existing location and owner.
Location: 10781 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Fresh and Easy No. 1399 Liquor License (127-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) State liquor license for an existing location with a new owner.
Location: 7919 E. Thomas Road, Suite 104
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Fresh and Easy No. 1399 Liquor License (128-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 10S (sampling privileges for a beer and wine store) State liquor license for an existing location and owner.
Location: 7919 E. Thomas Road, Suite 104
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Danny's Scottsdale and TB Liquor License (129-LL-2013) – 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 10 (beer and wine store) State liquor license.
Location: 15515 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **Danny's Raintree and Northsight Liquor License (130-LL-2013) – 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 10 (beer and wine store) State liquor license.
Location: 14717 N. Northsight Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Permanent Extension of Premises for El Santo (14-EX-2013) – 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 6 (bar) State liquor license.
Location: 7301 E. Butherus Drive.
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **Rancho Vista Abandonment (10-AB-2011) – Approved on Consent.**
Request: Adopt **Resolution No. 9597** modifying the conditions of previously approved Resolution No. 8896 for abandoning 16 feet of alley right-of-way adjacent to Lots 1, 2, 3, 21, 22, and 23, and a 454± square-foot area of N. 69th Place adjacent to Lot 23 of the Rancho Vista Subdivision.
Location: 6924 E. Mariposa Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

11. [Scottsdale Bible Church Abandonment \(4-AB-2013\) – Approved on Consent.](#)
Request: Adopt **Resolution No. 9601** approving the abandonment of approximately 450 feet of the 40-foot road or highway and public utilities easement located along the northwestern boundary of parcel 175-47-287 with the Single-Family Residential District (R1-35) zoning designation.
Location: 7601 E. Shea Boulevard
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
12. [Cochise Manor Final Plat and Abandonment \(30-PP-2012 and 7-AB-2012\) – Approved on Consent.](#)
Requests:
 1. Approval of a final plat for a four lot single-family residential subdivision on a 4.3± acre parcel for Case No. 30-PP-2012.
 2. Adopt **Resolution No. 9586** abandoning approximately 210 feet of the full 33-foot width GLO easement located on the west side of a parcel with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning, and abandoning approximately 562 feet of the full 33-foot width GLO easement located on the east side of a parcel with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning for Case No. 7-AB-2012.**Location:** 13102 E. Cochise Road
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
13. [Citywide Landscape Construction Services Job Order Contracts – Approved on Consent.](#)
Request: Adopt **Resolution No. 9605** authorizing the following construction services job order contract modifications for the fifth option year for City-wide landscape construction services:
 1. Contract No. 2009-193-COS-A4 with Valley Rain Construction Corp.
 2. Contract No. 2009-194-COS-A4 with Landscapes Unlimited, LLC.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
14. [Central Arizona Project Canal Multi-Use Path Extension Construction Period Land Use License – Approved on Consent.](#)
Request: Adopt **Resolution No. 9615** authorizing Construction Period Land Use License No. 2014-008-COS with Central Arizona Water Conservation District for permission to construct an extension of the Central Arizona Project Canal multi-use path on the north side of Frank Lloyd Wright Boulevard in the vicinity of 90th Street.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
15. [Water Reservoir Condition Assessment Program Engineering Services Contract – Approved on Consent.](#)
Request: Adopt **Resolution No. 9631** authorizing Engineering Services Contract No. 2014-013-COS with Carollo Engineers, Inc., for a cost not to exceed \$169,202, to provide engineering services to assess conditions and recommend maintenance activities for potable water storage tanks/reservoirs at five locations throughout the City.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
16. [Polaris Integrated Library System Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 9625** authorizing Agreement No. 2014-011-COS with the Maricopa County Library District for the Polaris Integrated Library System.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov

17. **Vehicular Field Training Program Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9528** authorizing Intergovernmental Agreement No. 2013-147-COS with the Maricopa County Community College District for vehicular field training experience with the Scottsdale Fire Department for students seeking to become certified emergency medical technicians/paramedics.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1892, tshannon@scottsdaleaz.gov

18. **Homeland Security Training Grant – Approved on Consent.**
Request: Adopt **Resolution No. 9619** to authorize:
 1. Acceptance of an Arizona Department of Homeland Security grant in the amount of \$25,000 for two fire department personnel to attend a technician-certified training class in support of the City's regional chemical, biological, radiological, nuclear, and explosive response capability.
 2. Budget transfer of \$25,000 from the FY 2013/14 Future Grants Budget and/or Grant Contingency Budget and creation of new cost center(s) to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

19. **Bond Counsel Professional Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9614** authorizing Professional Services Contract No. 2014-007-COS with Gust Rosenfeld, PLC for Bond Counsel services associated with the City's issuance of bonds and other capital financing.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

20. **Griffin v. City of Scottsdale Settlement – Approved on Consent.**
Request: Adopt **Resolution No. 9627** authorizing settlement in the amount of \$24,000 of James Griffin's negligence lawsuit against the City entitled *James Griffin v. City of Scottsdale et al.*, Case No. CV2013-009674, currently pending in the Superior Court of Maricopa County, Arizona.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

21. **Kunzelman v. City of Scottsdale Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9635** authorizing Contract No. 2014-015-COS to settle the lawsuit entitled *Kunzelman v. City of Scottsdale*, Case No. 1 CA-SA-13-0198, currently pending in the Court of Appeals, State of Arizona, Division One.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

22. **Clark, et al., v. Spano, et al. Legal Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9628** authorizing Legal Services Contract No. 2014-012-COS with the law firm of Struck Wieneke and Love, in an amount not to exceed \$90,000, for the City's defense of *Clark, et al., v. Spano, et al.*, Case No. CV2013-001476, currently pending in Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

23. **Fire Operations Schedule Code Amendment – Approved on Consent.**
Request: Adopt **Ordinance No. 4132** amending Scottsdale Revised Code Section 14-23(b) to set the work period for 56-hour fire personnel at 24 days, rather than 27 days, permitting a schedule change to 48 hours on-duty and 96 hours off-duty for most sworn fire personnel, and determining when overtime compensation is required under the Federal Fair Labor Standards Act.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1892, tshannon@scottsdaleaz.gov

24. **Valet Parking Code Amendment – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 9581** declaring the document entitled “Amendments to the Valet Parking Ordinance, Article XVII, Chapter 16, of the Scottsdale Revised Code” as a public record.
2. Adopt **Ordinance No. 4119** amending Scottsdale Revised Code Article XVII, Chapter 16, Licenses, Taxation, and Miscellaneous Business Regulations, to better reflect the current concerns and needs of the business community, the valet parking operators, and City Public Safety personnel.

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 25-26**

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.**

25. **Associate City Judge Reappointment**

- **Human Resources Executive Director Bruce Davis presentation**
- **Judicial Appointments Advisory Board Chair Donald Alvarez presentation**
- **Mayor Lane made a motion to reappoint Associate City Judge Statia Hendrix to a four-year term as stipulated in City Code. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilman Littlefield dissenting.**

Request: Discuss, consider, and act on the potential reappointment of Statia Hendrix, Associate City Judge, to a term of four years, as set forth in the City Code, to begin on March 9, 2014.

Presenter(s): Bruce Davis, Human Resources Executive Director

Staff Contact(s): Bruce Davis, Human Resources Executive Director, 480-312-2615, bdavis@scottsdaleaz.gov

Possible Executive Session

Notice is hereby given that at any time during tonight’s meeting, the City Council may make a motion to recess into Executive Session to discuss and consider the employment, assignment, reappointment, compensation and benefits of the Presiding Judge and; and/or to discuss and consult with the attorneys for legal advice regarding same. A.R.S. § 38-431.03(A)(1) and (A)(3).

26. **Presiding Judge Reappointment**

- **Human Resources Executive Director Bruce Davis presentation**
- **Judicial Appointments Advisory Board Chair Donald Alvarez presentation**
- **Presiding Judge Joseph Olcavage presentation**

Request: Discuss, consider, and act on the potential reappointment, including terms of employment, of Joseph Olcavage, Presiding Judge, to a term of four years, as set forth in the City Code, to begin on March 9, 2014.

Presenter(s): Bruce Davis, Human Resources Executive Director

Staff Contact(s): Bruce Davis, Human Resources Executive Director, 480-312-2615, bdavis@scottsdaleaz.gov

– **Vice Mayor Korte made a motion to recess into Executive Session to discuss and consider the employment, assignment, reappointment, compensation and benefits of the Presiding Judge; and/or to discuss and consult with the attorneys for legal advice regarding same. A.R.S. § 38-431.03(A)(1) and (A)(3). Councilman Phillips seconded the motion, which carried 7/0.**

Recess Regular Meeting (to Executive Session) – 6:06 P.M.

Reconvene Regular Meeting (from Executive Session) – 6:46 P.M.

– Councilwoman Klapp made a motion to: (1) Reappoint Joseph Olcavage to a four-year term, effective March 9, 2014, at a base salary of \$160,000, with subsequent salary adjustments at the beginning of each fiscal year in the amount recommended for the general employees; and (2) direct staff to prepare a resolution and contract setting forth these terms to be approved by the Council prior to March 8, 2014. Councilwoman Milhaven seconded the motion, which carried 4/3, with Councilmembers Littlefield, Phillips, and Robbins dissenting.

MAYOR AND COUNCIL

ITEM 27

27. Ethics Refresher Training – City Attorney Bruce Washburn presentation

On May 2, 2006, the Scottsdale City Council adopted Resolution No. 6879 and Ordinance No. 3675 establishing the City of Scottsdale Public Service Ethics Program and a Code of Ethical Behavior related to elected and appointed officials, which became effective July 1, 2006. The City's Ethics Program and the Code require that the Councilmembers receive annual ethics training.

This ethics training for the City Council will include the following components:

1. A discussion of some of the requirements of the Code of Ethical Behavior that are most frequently implicated in the Councilmembers' activities.
2. An update on any changes that might have occurred in the last year relating to the Code of Ethical Behavior.
3. An opportunity for Councilmembers to raise any issues of particular concern to them.

The training session is instructional and informational. No public business will be considered; however, the City Councilmembers may engage in discussion about ethics issues as part of this training session.

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

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 comments 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 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 – 7:19 P.M.