

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED MAYOR AND COUNCIL ITEM No. 23A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, May 12, 2015

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 (June 2, 2015).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:14 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 – Pastor Bryan McAnally, Scottsdale Bible Church

Mayor's Report – Mayor Lane recognized the Scottsdale Aquatic Swim Club on their Junior National championship (held in Texas), Arizona State championship, and Sectional championship victories.

Presentations/Information Updates – None

Public Comment – Mr. Joshua Zaragoza spoke in support of a non-discrimination ordinance. Dr. Scott Caley was disappointed in Airport personnel communications related to airport activities and noise complaints. Reverend Debra Peevey spoke in support of a non-discrimination ordinance.

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."**



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).

MINUTES

Request: Approve the [Work Study Session Minutes of April 21, 2015](#).

– Councilwoman Littlefield made a motion to approve the Work Study Session Minutes of April 21, 2015. Vice Mayor Milhaven seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-18

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 Milhaven made a motion to approve Consent Agenda Items 1-18, absent Items 5, 7, and 8, which were moved to the Regular Agenda. Councilwoman Klapp seconded the motion, which carried 7/0.

1. [Coconut's Fish Café Liquor License \(39-LL-2015\)](#) – **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: 7366 E. Shea Boulevard, Suite 110
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Ricky's Authentic Mexican Food Liquor License \(40-LL-2015\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 12 (restaurant) State liquor license.
Location: 7323 E. Shoeman Lane
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Stromer Southwest Liquor License \(41-LL-2015\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesale) State liquor license for a new location and owner.
Location: 9420 E. Doubletree Ranch Road, Suite C104
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. [Permanent Extension of Premises for Rosati's Pizza \(5-EX-2015\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for a Series 6 (bar) State liquor license.
Location: 7570 E. 6th Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. [Text Amendment to Repeal Appendix A – Airport Zoning \(4-TA-2015\)](#) – **Councilman Smith made a motion to defer consideration of Ordinance No. 4204 pending the reposting of notice for neighborhood outreach and staff providing the Council and public with a side-by-side comparison of Chapter 5, Appendix A. Councilman Phillips seconded the motion, which carried 6/1, with Vice Mayor Milhaven dissenting.**
Request: Adopt **Ordinance No. 4204** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 1254, to repeal Appendix A – Airport Zoning, and determine that the proposed ordinance text amendment is consistent and conforms with the adopted General Plan and the Greater Airport Character Area Plan.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

6. **Playground Improvements Budget Transfers – Approved on Consent.**

Request: Adopt **Resolution No. 10123** authorizing:

1. A FY 2014/15 General Fund Capital Contingency Budget transfer totaling \$50,000 for two newly created capital projects titled Papago Park Playground Rehabilitation in the amount of \$26,000 and Paiute Park Playground Rehabilitation in the amount of \$24,000.
2. A FY 2014/15 Capital Contingency for Future Grants budget transfer totaling \$173,000 for two newly created capital projects Papago Park Playground Rehabilitation in the amount of \$90,000 and Paiute Park Playground Rehabilitation in the amount of \$83,000 to be funded by Community Development Block Grant funds.

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

7. **Street and Driveway Improvements Intergovernmental Agreement**

Request: Adopt **Resolution No. 10112** authorizing:

1. Contract No. 2015-120-COS with the Scottsdale Unified School District No. 48 (SUSD) to construct certain street and driveway improvements to resolve transportation and traffic issues in and around the Anasazi Elementary School and for SUSD to provide financial assistance for those improvements.
2. A FY 2014/15 General Fund Capital Contingency Budget Appropriation transfer in the amount of \$350,000 to the 124th & 128th Street – Street, Intersection and Multiuse Path Improvements Capital Improvement Project – SB55A, which will be funded by contributions pursuant to the agreement with SUSD.

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

– Councilman Phillips made a motion to continue consideration of Resolution No. 10112 pending further public outreach to address neighborhood concerns. Councilwoman Littlefield seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, and Smith dissenting.

– Councilwoman Klapp made a motion to adopt Resolution No. 10112. Vice Mayor Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

8. **Transit Parcel Real Estate Sale Agreement**

Request: Adopt **Resolution No. 10126** authorizing Contract No. 2015-126-COS with McDowell Mountain Retail, LLC, in the amount of \$750,000 for the sale of 2.5 acres of a City transit parcel.

Location: West of the Southwest corner of Bell Road and Thompson Peak Parkway

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

– Councilman Phillips made a motion to not adopt Resolution No. 10126. Councilman Smith seconded the motion, which failed 3/4 with Mayor Lane, Vice Mayor Milhaven, and Councilmembers Klapp and Korte dissenting.

– Councilman Phillips made an alternative motion to continue Item 8 pending a private appraisal of the property. Councilman Smith seconded the motion, which failed 3/4 with Mayor Lane, Vice Mayor Milhaven, and Councilmembers Klapp and Korte dissenting.

– Vice Mayor Milhaven made a motion to adopt Resolution No. 10126 authorizing Contract No. 2015-126-COS with McDowell Mountain Retail, LLC, in the amount of \$750,000. Councilwoman Klapp seconded the motion, which carried 4/3, Councilmembers Littlefield, Phillips, and Smith dissenting.

9. **Return of Home Investment Partnership Funding – Approved on Consent.**

Request: Adopt **Resolution No. 10096** authorizing:

1. The return of unexpended Home Investment Partnership (HOME) funds to Maricopa County on behalf of the Maricopa HOME Consortium in the amount of \$977,065.11 for the purpose of reallocating those funds to other consortium members.
2. Intergovernmental Agreement No. 2015-132-COS with the City of Tempe for the reallocation of \$579,351.11 of HOME funds to the City of Tempe.
3. Intergovernmental Agreement No. 2015-133-COS with the City of Avondale for the reallocation of \$397,714 of HOME funds to the City of Avondale.

Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

10. **Library Assistance Program Intergovernmental Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 10111** authorizing Contract No. 2013-129-COS-A1, the first amendment to the agreement with the Maricopa County Library District, for the Library Assistance Program to amend the original term to June 30, 2018, and recognizing the tax base change from secondary net assessed value to primary net assessed value.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
11. **Polo Cares Summer League 2015 WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10107** authorizing Contract No. 2015-117-COS with Polo Cares, Inc., to play summer polo at the WestWorld facility.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
12. **Strada Racing Club WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10114** authorizing Contract No. 2015-121-COS with Strada Racing Club, Inc., to practice and train on Lot D, the asphalt pad of the recessed retention area at WestWorld, from May 17, 2015, through July 30, 2015.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
13. **WestWorld Event Agreement with ESPN – Approved on Consent.**
Request: Adopt **Resolution No. 10138** authorizing City staff to accept payments made to date, regarding the invoiced base use fee from WestWorld as paid, in good standing.
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov
14. **Purchase of Property-Casualty Insurance for the Period of July 1, 2015, to July 1, 2016 – Approved on Consent.**
Request: Adopt **Resolution No. 10129** authorizing and directing the purchase of property-casualty insurance, including general liability, law enforcement liability, vehicle liability, public officials errors and omissions, property, workers' compensation, and airport liability and hangarkeepers' legal liability insurance for FY 2015/16.
Staff Contact(s): Katherine Callaway, Risk Management Director, 480-312-7841, kcallaway@scottsdaleaz.gov
15. **Industrial Injury Medical Case Management Professional Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 10116** authorizing the following professional services contracts for industrial injury medical case management services:
 1. Contract No. 2015-122-COS with Encore Unlimited, LLC
 2. Contract No. 2015-123-COS with GENEX Services, LLC
 3. Contract No. 2015-124-COS with Orchard Medical Consulting**Staff Contact(s):** Katherine Callaway, Risk Management Director, 480-312-7841, kcallaway@scottsdaleaz.gov
16. **Scottsdale Sister Cities Association Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10122** authorizing Contract No. 2015-127-COS with the Scottsdale Sister Cities Association, Inc., a two-year agreement in the amount of \$20,000, for the provision of services concerning the City's relationships with its Sister Cities.
Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

17. [Licenses, Taxation, and Miscellaneous Business Regulations Code Amendment](#) – **Approved on Consent.**
Request: Adopt **Ordinance No. 4202** amending Chapter 16, Licenses, Taxation, and Miscellaneous Business Regulations of the Scottsdale Revised Code to amend Article I (In General) to simplify and expedite appeal procedures, amend Article VII (Sexually Oriented Businesses) to align with State statutes, and delete Article XI (Taxicabs and Limousines) as it is currently regulated by the State.
Staff Contact(s): Dennis Enriquez, Business Services Director, 480-312-5925, denriquez@scottsdaleaz.gov
18. [Monthly Financial Report](#) – **Approved on Consent.**
Request: Accept the FY 2014/15 Monthly Financial Report as of March 2015.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 19-23**

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.**

19. [Scottsdale Airport Master Plan](#)
Request: Adopt **Resolution No. 10038** authorizing the adoption of the 2015 Scottsdale Airport Master Plan.
Presenter(s): Gary Mascaro, Aviation Director
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
– **Coffman Associates President James Harris presentation.**
– **Councilmember Korte made a motion to adopt Resolution No. 10038 authorizing the adoption of the 2015 Scottsdale Airport Master Plan. Councilwoman Littlefield seconded the motion, which carried 7/0.**
20. [State Lobbying Services Contract](#)
Request: Adopt **Resolution No. 10109** authorizing Contract No. 2015-118-COS with the Aarons Company, LLC, in the amount of \$49,200 to provide state lobbying services on behalf of the City for FY 2015/16.
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.**
– **Councilmember Korte made a motion to adopt Resolution No. 10109 authorizing Contract No. 2015-118-COS with the Aarons Company, LLC. Councilwoman Littlefield seconded the motion, which carried 7/0.**
21. [Public Hearing and Adoption of Fiscal Year 2015/16 Rates and Fees](#)
Requests:
1. Accept citizen comments at a public hearing regarding proposed rates and fees.
2. Adopt **Resolution No. 10054** declaring the document entitled “*Amendments to Portions of Chapter 49 – Scottsdale Revised Code, Including Changes to Some Rates and Fees for Water, Sewers, and Sewage Disposal*” as a public record.
3. Adopt **Ordinance No. 4194** amending portions of Chapter 49, Water, Sewers, and Sewage Disposal of the Scottsdale Revised Code to change some rates and fees for water, sewers, and sewage disposal, effective July 1, 2015, or November 1, 2015, as applicable.

4. Adopt **Resolution No. 10106** setting the *Scottsdale Fire Department Fee and Charges Schedule*, effective July 1, 2015.
5. Adopt **Resolution No. 10125** setting the *Community Services Division Schedule of Program Charges, Rental Fees and Fines*, effective July 1, 2015.
6. Adopt **Resolution No. 10115** setting the *WestWorld Rental Rates and Fees Schedule*, effective July 1, 2015.
7. Adopt **Resolution No. 10124** setting the *Planning and Development Services Rates and Fees Schedule*, effective July 1, 2015.

Presenter(s): Jeff Nichols, City Treasurer; Brian Biesemeyer, Water Resources Director

Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov; Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov; Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov; Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov; Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov; Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

– **City Treasurer Jeff Nichols presentation.**

– **Councilman Phillips made a motion to deny plan review fence/wall, non-habitable, non-A/C, and habitable A/C; and permit non-habitable, non-A/C, and habitable A/C fee schedules. The motion died for lack of a second.**

– **Councilman Phillips made a motion to deny an increase in full facility fee rental for the youth and adult facilities at Scottsdale Sports Complex. Councilwoman Littlefield seconded the motion, which failed 2/5 with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, and Smith dissenting.**

– **Councilman Phillips made a motion to deny increased Holiday Lights train ride and arboretum train ride fees at McCormick-Stillman Park. The motion died for lack of a second.**

– **Mayor Lane made a motion to deny the revised rate/square foot minimum for commercial use of North Hall at the Tony Nelssen Equestrian Center. Councilman Smith seconded the motion, which failed 2/5, with Vice Mayor Milhaven and Councilmembers Klapp, Korte, Littlefield, and Phillips dissenting.**

– **Vice Mayor Milhaven made a motion to adopt Resolution No. 10054, Ordinance No. 4194, Resolution No. 10106, Resolution No. 10125, Resolution No. 10115, and Resolution No. 10124. Councilmember Korte seconded the motion, which carried 6/1, with Councilman Phillips dissenting.**

22. **Public Hearing on and Adoption of Proposed Fiscal Year 2015/16 Budget (Tentative Budget)**

Requests:

1. The City Council solicits and receives public input relative to the entire Proposed FY 2015/16 Budget, which includes both the Operating Budget and Capital Improvement Plan. The City Council may direct staff to make revisions to the Proposed FY 2015/16 Budget prior to adoption, or may adopt proposed version as the Tentative Budget required for conformity with Arizona Revised Statutes and City Charter.
2. Adopt **Ordinance No. 4206** as presented (or as modified by Council) establishing the Tentative Budget for FY 2015/16. Establishment of the Tentative Budget statutorily fixes the maximum expenditure limit. The maximum expenditure limit may still be lowered by Council before final budget adoption. Adoption of Ordinance No. 4206 also directs the City Clerk to meet obligations regarding publication and notices imposed by Arizona Revised Statutes or City Charter. Through adoption of Ordinance No. 4206, Council also tentatively adopts the Proposed FY 2015/16 Classification/Compensation Schedule in conformity with Scottsdale Revised Code Sec. 14-20, et. seq.

Presenter(s): Judy Doyle, Budget Director

Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

– **Budget Director Judy Doyle and Public Works Director Dan Worth presentation.**

– **Vice Mayor Milhaven made a motion to adopt Ordinance No. 4206 as presented establishing the Tentative Budget for FY 2015/16. Councilman Phillips seconded the motion, which carried 7/0.**

23. [Monthly Financial Update](#)

Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of April 2015.

Presenter(s): Jeff Nichols, City Treasurer

Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

– City Treasurer Jeff Nichols presentation.

MAYOR AND COUNCIL

ITEM 23A

***23A. **Request to Agendize a Discussion on the Establishment of an Entertainment District in the Downtown Area**

Request: At the request of Councilmember Korte, direct staff to agendize: “A presentation, discussion, and possible direction to staff on the potential uses and options for formally establishing a designated entertainment district in the downtown area.”

Note: The only Council action to be taken on this item is a decision on whether to agendize the referenced matter at a future Council meeting. No public comment will be taken at this time.

– Councilwoman Korte made a motion to agendize a discussion on formally establishing an Entertainment District for a future Council meeting. Councilman Phillips 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 – 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 – Councilman Smith made a motion to agendize a discussion to provide staff with direction for inclusion of a maximum dollar limit for the disposition of real property pursuant to Scottsdale Revised Code, Section 2-221(b)(5). Councilman Phillips seconded the motion, which failed 3/4, with Mayor Lane, Vice Mayor Milhaven, and Councilmembers Klapp and Korte dissenting.

Adjournment – 9:08 P.M.