### **SCOTTSDALE**

# CITY COUNCIL MEETING



## \*\*\*Second Amended\*\*\*Meeting Notice and Agenda

IREWORDED ITEM NO. A1 AND CONSENT ITEM NO. 16; REMOVED CONSENT ITEM NO. 21; AND ADDED CONSENT ITEM NOS. 27A AND 27B1

#### Councii

W.J. "Jim" Lane, Mayor Suzanne Klapp

Suzanne Klapp Linda Milhaven Virginia L. Korte Guy Phillips Kathleen S. Littlefield David N. Smith Wednesday, July 1, 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 (July 2 or August 25, 2015).

5:00 P.M.

#### MARKED AGENDA

#### CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order - 5:09 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 - Special Olympians Scottsdale Bobcats

Invocation - Pastor Bob Gaschler, Pinnacle Church

Mayor's Report – Mayor Lane read a proclamation declaring August as "Drowning Impact Awareness Month."

Presentations/Information Updates - None

Public Comment – Enid Seiden spoke in support of a non-discrimination ordinance. Raoul Zubia 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).

## **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

Consent Item No. 27A was added to the agenda June 25, 2015.

Consent Item No. 27B was added to the agenda June 29, 2015.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is August 25, 2015.

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

### **MINUTES**

Request: Approve the <u>Special Meeting Minutes of June 2 and 3, 2015</u>; and <u>Regular Meeting Minutes of June 2 and 3, 2015</u>;

 Councilmember Korte made a motion to approve the Special Meeting Minutes of June 2 and 3, 2015; and Regular Meeting Minutes of June 2 and 3, 2015. Councilwoman Littlefield seconded the motion, which carried 7/0.

### CONSENT AGENDA ITEMS 1-27B

**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 <u>not</u> 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 27B, absent Item 21, which was removed by staff, and Item24, which was moved to the Regular Agenda. Councilwoman Littlefield seconded the motion, which carried 7/0.

1. <u>MOD Pizza Liquor License (65-LL-2015)</u> – 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: 10893 N. Scottsdale Road, Suite 101

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

2. <u>Haggen Liquor License (66-LL-2015)</u> – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 9 (liquor store) with sampling privileges State liquor license for an existing location with a new owner.

Location: 34442 N. Scottsdale Road

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

3. Haggen Liquor License (67-LL-2015) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 9 (liquor store) with sampling privileges State liquor license for an existing location with a new owner.

**Location:** 11475 E. Via Linda

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

4. All American Modern Sports Grill Liquor License (68-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: 20751 N. Pima Road, Suite 105

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

5. The Casablanca Lounge Liquor License (69-LL-2015) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.

Location: 7134 E. Stetson Drive, Suite 300

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

6. Ling & Louie's Asian Bar & Grill Liquor License (70-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: 9397 E. Shea Boulevard, Suite 125

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

7. Permanent Extension of Premises for Local Bistro (8-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 premises for a Series 12 (restaurant) State liquor license.

Location: 20581 N. Hayden Road, Suite 115

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

8. On-Track Academy Conditional Use Permit (5-UP-2013#2) - Approved on Consent.

**Request:** Find that the conditional use permit criteria have been met and adopt Resolution No. 10166 approving an amendment to an existing Conditional Use Permit for an educational service, elementary and secondary school to increase the square footage from 21,404± to 34,445± and increase the number of students from 70 to 140 in an existing building with Industrial Park, Planned Community District (I-1 PCD) zoning.

**Location:** 16641 N. 91<sup>st</sup> Street

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

rgrant@scottsdaleaz.gov

9. Scottsdale National Golf Club Conditional Use Permit (11-UP-2014) - Approved on Consent.

**Request:** Find that the conditional use permit criteria have been met and adopt Resolution No. 10155 approving a Conditional Use Permit for golf course uses, on 650± acres with

Single-Family Residential, Environmentally Sensitive Lands (R1-190 ESL), Single-Family Residential, Environmentally Sensitive Lands (R1-130 ESL), and Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning designations.

**Location:** In the vicinity of 26601 N. 122<sup>nd</sup> Street

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664,

rgrant@scottsdaleaz.gov

## 10. Green Sky Patient Center of Scottsdale North, Inc., Conditional Use Permit (3-UP-2015) – Approved on Consent.

**Request:** Find that the conditional use permit criteria have been met and adopt

**Resolution No. 10165** approving a Conditional Use Permit for a Medical Marijuana Use (dispensary) in a 2,700± square-foot facility with Industrial Park (I-1) zoning.

Location: 7320 E. Butherus Drive, Suite 100

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

## 11. <u>Arizona Public Services Via Dona Substation Relocation Conditional Use Permit (4-UP-2015)</u> Requests: – Approved on Consent.

- 1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 10156** approving a Conditional Use Permit for a Public Utility Buildings, Structures, or Appurtenances for Public Service Use on a 4.4± acre parcel with Single-Family Residential Districts, Environmentally Sensitive Lands (R1-190/ESL) zoning.
- 2. Adopt **Resolution No. 10191** authorizing Development Agreement No. 2011-049-COS-A1 with Arizona Public Service Company to relocate the Via Dona Substation and associated 69Kv and 12Kv power lines.

**Location:** Northwest corner of N. 118<sup>th</sup> Street and E. Rio Verde Drive **Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

#### 12. <u>Silverleaf Parcel 5.9A Final Plat (10-PP-2014)</u> – Approved on Consent.

**Request:** Approve the final plat/replat for a new 19-lot subdivision with Planned Community (P-C) district zoning, with a comparable Resort/Townhouse Residential (R-4R) zoning district, on a 5.4± acre property.

Location: 18993, 18969, 18945, and 18922 N. Silverleaf Drive

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, <a href="mailto:rgrant@scottsdaleaz.gov">rgrant@scottsdaleaz.gov</a>

#### 13. <u>Astoria Rezoning (55-ZN-1978#2)</u> – Approved on Consent.

#### Requests:

- 1. Adopt **Ordinance No. 4211** approving a zoning district map amendment to amend the previously approved Planned Residential Development (PRD) Development Plan, with amended development standards, for a site zoned Single-Family Residential District (R1-18 PRD) to allow for a new 7-lot residential subdivision on 3.3± acres; find that the PRD criteria have been met; and determine that the proposed zoning district map amendment is consistent and conforms to the adopted General Plan.
- Adopt Resolution No. 10157 declaring the document entitled "Astoria Development Plan" to be a public record.

**Location:** 7930 E. Gold Dust Avenue

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

#### 14. Wildcat Hill Rezoning (17-ZN-2014) – Approved on Consent.

Request: Adopt Ordinance No. 4214 to:

- 1. Approve a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-190/ESL) zoning district to Single-Family Residential, Environmentally Sensitive Lands (R1-70/ESL) zoning on 305± acres of a 353± acre site.
- 2. Find that the proposed zoning district map amendment is consistent and conforms to the adopted General Plan.

**Location:** Southeast corner of N. Cave Creek Road and E. Bartlett Lake Road **Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, <a href="mailto:rgrant@scottsdaleaz.gov">rgrant@scottsdaleaz.gov</a>

15. <u>Center for Recovering Families Rezoning (6-ZN-2015)</u> – Approved on Consent.

Request: Adopt Ordinance No. 4212 to:

- Approve a zoning district map amendment for amended development standards to amend the street setback from 20 feet to 10± feet for a 2,400± square-foot property with Highway Commercial Parking District Downtown Overlay (C-3/P-3/DO) and Parking District Vehicle Parking Downtown Overlay (P-2 DO) zoning.
- 2. Find that the proposed zoning district map amendment is consistent and conforms to the Downtown Plan, Downtown Plan Urban Design and Architectural Guidelines, and the adopted General Plan.

**Location:** 4325 N. 75<sup>th</sup> Street

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664,

rgrant@scottsdaleaz.gov

\*\*\*16. <u>Pinnacle Vista/Cavalliere Flat Culvert Project Development Agreement</u> – Approved on Consent.

Request: Adopt Resolution No. 10145 to authorize:

- 1. Development Agreement No. 2015-149-COS with Taylor Morrison/Arizona, Inc., for the construction and cost sharing of a box culvert and related facilities for the purpose of conveying stormwater flows.
- 2. A FY 2015/16 General Fund Capital Contingency budget transfer in the amount of \$200,000 to a newly created capital project to be titled Pinnacle Vista/Cavalliere Flat Culvert Project.

**Location:** Pinnacle Vista Drive east of Alma School Parkway

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

17. <u>Pre-Construction Services Contract for Indian School Park Lake Rehabilitation Project</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 10182** authorizing CM@Risk Contract No. 2015-164-COS with Valley Rain Construction Corporation in the amount of \$39,000 for the Indian School Park Lake Rehabilitation Project.

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

18. On-Call Water Resources Engineering Services Contract Modification – Approved on Consent. Request: Adopt Resolution No. 10192 authorizing Contract No. 2014-075-COS-A1 with Carollo Engineers, Inc., to increase the maximum amount per term from \$1,500,000 to \$3,000,000 for water resources on-call engineering services.

Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, <a href="mailto:daworth@scottsdaleaz.gov">daworth@scottsdaleaz.gov</a>

19. Silverado Golf Course Lake Edge Improvements Budget Transfer – Approved on Consent.
Request: Adopt Resolution No. 10193 authorizing a FY 2015/16 General Fund Capital Contingency budget appropriation transfer in the amount of \$160,000 to a newly created Capital Improvement Project to be titled Silverado Golf Course Lake Edge Improvements to be funded by the Inlet/Silverado Golf Surcharge Special Revenue Fund in the amount of \$140,000 and the General Fund in the amount of \$20,000.

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

20. Fiscal Year 2015/16 Event Venue Fee Program – Approved on Consent.

**Request:** Adopt **Resolution No. 10120** authorizing \$200,000 in bed tax funding to be used for development of events to be identified per the FY 2015/16 Event Venue Fee Program and authorizing the Mayor to execute individual agreements with each event producer.

**Staff Contact(s):** Steve Geiogamah, Acting Tourism and Events Director, 480-312-4013, <a href="mailto:sqeiogamah@scottsdaleaz.gov">sqeiogamah@scottsdaleaz.gov</a>

\*\*\*21. College Football Game Championship Event

(Removed at the request of staff)

#### 22. <u>Charles Schwab Cup Championship Event</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 10177** to authorize:

- 1. Funding, not to exceed \$75,000 annually, from the City portion of bed tax allocation towards event development for the 2015 and 2016 Charles Schwab Cup Championship event.
- 2. New Event Funding Agreement No. 2015-162-COS with PGA Tour, Inc.

**Staff Contact(s):** Steve Geiogamah, Acting Tourism and Events Director, 480-312-4013, <a href="mailto:sqeiogamah@scottsdaleaz.gov">sqeiogamah@scottsdaleaz.gov</a>

#### 23. <u>Scottsdale Convention and Visitors Bureau Marketing Plan</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 10117** approving the FY 2015/16 Marketing Guide, Performance Standards, and Contract Budget under Destination Marketing Services Agreement No. 2012-053-COS with Scottsdale Convention and Visitors Bureau.

**Staff Contact(s):** Steve Geiogamah, Acting Tourism and Events Director, 480-312-4013, <a href="mailto:sqeiogamah@scottsdaleaz.gov">sqeiogamah@scottsdaleaz.gov</a>

#### 24. Mobile Integrated Healthcare Practice Program Professional Services Agreement

**Request:** Adopt **Resolution No. 10176** authorizing Contract No. 2015-161-COS with HonorHealth for a mobile integrated healthcare practice program to assist in the provision of specific patient populations with alternative treatment options to improve the quality and efficiency of patient care in the community.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, <a href="mailto:tshannon@scottsdaleaz.gov">tshannon@scottsdaleaz.gov</a>

- HonorHealth Intergovernmental Relations Director Michelle Pabis presentation.
- Councilman Phillips made a motion to adopt Resolution No. 10176 authorizing Contract No. 2015-161-COS with HonorHealth for a Mobile Integrated Healthcare Practice Program. Councilwoman Klapp seconded the motion, which carried 7/0.

#### 25. <u>School Resource Officer Intergovernmental Agreement</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 10190** authorizing Agreement No. 2015-167-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

#### 26. Security at University of Phoenix Intergovernmental Agreement – Approved on Consent.

**Request:** Adopt **Resolution No. 10183** authorizing Agreement No. 2015-165-COS with the City of Glendale for the provision of Scottsdale police officers to provide security at the University of Phoenix Stadium in Glendale.

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

#### 27. <u>Fiscal Year 2014/15 Operating Budget Adjustments</u> – Approved on Consent.

**Request:** Adopt **Resolution No. 10163** authorizing budget adjustments for the purpose of complying with Ordinance No. 4159 and accurately expensing the FY 2014/15 budget.

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

## \*\*\*27A. <u>Irrigation Water Distribution Systems Pipeline Capacity Agreements</u> – Approved on Consent. Request: Adopt Resolution No. 10198 to authorize:

- 1. Contract No. 2002-065-COS-A3, the Second Amended and Restated IWDS Pipeline Capacity Agreement with Desert Mountain Club. Inc.
- 2. Contract No. 2002-066-COS-A2, the Second Amended and Restated IWDS Pipeline Capacity Agreement with Scottsdale National Golf Club, LLC.
- 3. Contract No. 2015-168-COS with Scottsdale National Golf Club, LLC, and Desert Mountain Club, Inc., regarding assignment of IWDS capacity.

**Staff Contact(s):** Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

#### \*\*\*27B. <u>Human Resources Management Code Amendment</u> – Approved on Consent.

**Request:** Adopt **Ordinance No. 4218** amending Chapter 14, Human Resources Management, Section 14-44 of the Scottsdale Revised Code regarding authority to receive criminal justice record information.

Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615,

dbrown@scottsdaleaz.gov

## REGULAR AGENDA ITEM 28

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 <u>may</u> 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.

#### 28. Diamond Mountain Estates Rezoning (1-ZN-2011)

Request: Adopt Ordinance No. 4197 to:

- Approve a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-190/ESL) zoning district, to Single-Family Residential, Environmentally Sensitive Lands (R1-35/ESL), on 25.62± acres, and Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) on 11.38± acres, on 37± acres of a gross 50± acre site (excluding the eastern 13± acres), consisting of two parcels.
- 2. Find that the zoning district map amendment is consistent and conforms with the adopted General Plan.

Location: 11020 E. Jomax Road

Presenter(s): Jesus Murillo, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664,

rgrant@scottsdaleaz.gov

- Senior Planner Jesus Murillo presentation.
- Councilman Phillips made a motion to deny Ordinance No. 4197. Councilwoman Littlefield 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 29

**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.

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#### 29. 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 – 6:41 P.M.