

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[ADDED CONSENT AGENDA ITEM No. 12A AND REMOVED REGULAR AGENDA ITEM No. 13]**

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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, May 3, 2016**

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*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 (May 10 or 17, 2016).*

**5:00 P.M.**

**AMENDED MARKED AGENDA  
(\*\*\* AMENDED ITEM 18 MOTION LANGUAGE)**

### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 506 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 – Brownie Troop 1667, Troop Leader Anita Elco**

**Invocation – Scottsdale Bible Church Associate Pastor Neil Montgomery**

**Mayor's Report – Mayor Lane thanked all of the volunteers who supported the For Our City event on Saturday, April 23, 2016. Mayor Lane presented Lexis Preparatory School, the "Bench the Bag" contest winners, with a bench made out of recycled plastic bags. He noted that Hohokam Traditional School students were the Honorable Mention recipients.**

**Presentations/Information Updates – Environmental Quality Advisory Board Chair Alisa McMahon presentation**

- **Environmental Quality Advisory Board Environmental Achievement Recognition Program**  
**Presenter(s):** Alisa McMahon, Environmental Quality Advisory Board Chair



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).

**Public Comment – Howard Myers presented a citizen petition asking the Council to pass a resolution, or submit to the voters a change to the Charter, that would require either of the following to occur only with approval by public vote: 1) Construction of anything in the Preserve, other than trails, minimal facilities required for trail heads used for trail access, and the land bridge over Dynamite Boulevard; and 2) use of Preserve Tax Funds for anything other than land acquisition, the building of trails, minimal facilities required for trail heads used for trail access, and the land bridge over Dynamite Boulevard. Scott Caley commented on several political issues and announced that he will be making a contribution to Hospice of the Valley. Karin Voris reported on the Art Start Program sponsored by Scottsdale Museum of Contemporary Arts.**

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.”**

## MINUTES

**Request:** Approve the [Regular Meeting Minutes of April 5, 2016](#); [Special Meeting Minutes of April 12, 2016](#); and [Work Study Session Minutes of April 12, 2016](#).

**– Councilmember Korte made a motion to approve the Regular Meeting Minutes of April 5, 2016; Special Meeting Minutes of April 12, 2016; and Work Study Session Minutes of April 12, 2016. Councilman Phillips seconded the motion, which carried 7/0.**

## CONSENT AGENDA ITEMS 1-12A

**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.

**– Councilwoman Littlefield made a motion to approve Consent Agenda Items 1-12A. Councilmember Korte seconded the motion, which carried 7/0.**

1. [ALMA W X SW Liquor License \(25-LL-2016\)](#) – **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:** 8989 N. Scottsdale Road, Suite 608

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

2. [Tommy V’s Urban Kitchen & Bar Liquor License \(26-LL-2016\)](#) – **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:** 7303 E. Indian School Road

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

3. [Café Monarch Liquor License \(27-LL-2016\)](#) – **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:** 6934 E. 1<sup>st</sup> Avenue, Suite 102

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

4. **Albertson's No. 197 Liquor License (28-LL-2016) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9S (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](mailto:tcurtis@scottsdaleaz.gov)

5. **Fired Pie Liquor License (29-LL-2016) – 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:** 9619 N. Hayden Road, Suites A101 and A102

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

6. **Lamp Café Liquor License (30-LL-2016) – 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:** 8900 E. Pinnacle Peak Road, Suite B1

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

7. **La Bella Breeza Non-Major General Plan Amendment and Rezoning (5-GP-2015 and 17-ZN-2015) – Approved on Consent.**

**Requests:**

1. Adopt **Resolution No. 10418** 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 Rural Neighborhoods to Suburban Neighborhoods on a 4± acre site.

2. Adopt **Ordinance No. 4250** approving a Zoning District Map Amendment from Single-Family Residential (R1-35) zoning to Medium Density Residential (R-3) zoning on a 4± acre site.

**Location:** Southwest corner of E. Shea Boulevard and N. 110<sup>th</sup> Street

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

8. **P-C District Size Text Amendment (1-TA-2016) – Approved on Consent.**

**Request:** At the request of staff, continue to a date to be determined.

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

9. **Mobile Integrated Healthcare Practice Program Professional Services Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 10423** authorizing Agreement No. 2015-161-COS-A1 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)

10. **State Lobbying Services Contract Modification – Approved on Consent.**

**Request:** Adopt **Resolution No. 10428** authorizing Contract No. 2015-118-COS-A2 with Aarons Company, LLC, in the amount of \$49,200, to provide state lobbying services on behalf of the City for FY 2016/17.

**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)

11. [2015 Board and Commission Annual Report – Approved on Consent.](#)  
**Request:** Receive the 2015 annual report approved by each publicly appointed board, commission, and working task force.  
**Staff Contact(s):** Rachel Smetana, Mayor's Chief of Staff, 480-312-7806, [rsmetana@scottsdaleaz.gov](mailto:rsmetana@scottsdaleaz.gov)
12. [Message Board Claim Settlement Recovery – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10426** authorizing the City to accept payment, in the amount of \$101,299.74, in full settlement of the City's claim against Pulice Construction Inc.; Roadway Electric, LLC; and Zurich NA for damage caused to a City-owned message board.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
- \*\*\*12A. [City Manager Settlement Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10435** authorizing the City to enter into Contract No. 2016-058-COS agreeing to payment in the amount of \$55,000 for settlement of certain claims alleged by Fritz Behring against the City of Scottsdale arising from his employment with the City and the termination of that employment.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 13-17**

**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.**

\*\*\*13. **Hunkapi Farms Conditional Use Permit (2-UP-2015)**

(This item has been removed from the agenda and is continued/stayed until a related Board of Adjustment case can be heard and decided.)

14. [Aire on McDowell Non-Major General Plan Amendment and Rezoning \(4-GP-2015 and 15-ZN-2015\)](#)

**Requests:**

1. Adopt **Resolution No. 10387** 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 Mixed Use Neighborhoods to Urban Neighborhoods on a 6.8± gross-acre site.
2. Adopt **Ordinance No. 4243** approving a Zoning District Map Amendment from Highway Commercial (C-3) to Multi-Family Residential (R-5) zoning on a 6.8± gross-acre site.

**Location:** 6802 – 6880 E. McDowell Road

**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 and Applicant Representative John Berry presentations.**

**– Councilman Phillips made a motion to adopt Resolution No. 10387 and Ordinance No. 4243. Councilmember Korte seconded the motion, which carried 7/0.**

15. [Skye on McDowell Non-Major General Plan Amendment and Rezoning \(6-GP-2015 and 18-ZN-2015\)](#)

**Requests:**

1. Adopt **Resolution No. 10417** 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 Mixed Use Neighborhoods to Urban Neighborhoods on an 8± acre site located at the southwest corner of N. 70<sup>th</sup> Street and E. McDowell Road.
2. Adopt **Ordinance No. 4248** approving a Zoning District Map Amendment from Highway Commercial (C-3) and General Commercial (C-4) to Multi-Family Residential (R-5) zoning on an 8± acre site located at the southwest corner of N. 70<sup>th</sup> Street and E. McDowell Road.

**Location:** 6855, 6861, 6863, 6901, 6905, 6913, and 6925 E. McDowell Road

**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 and Applicant Representative John Berry presentations.**  
– **Vice Mayor Smith made a motion to adopt Resolution No. 10417 and Ordinance No. 4248, including the modification to Stipulation No. 2, to reflect that the maximum number of lots is 58 units/lots, and the modification to Stipulation No. 10, to reflect that no building on the site shall exceed 28 feet in height. Councilwoman Littlefield seconded the motion, which carried 7/0.**

16. [Assumption Greek Orthodox Church Rezoning \(2-ZN-2016\)](#)

**Request:** Adopt **Ordinance No. 4249** approving a Zoning District Map Amendment to amend and modify the stipulations of previous zoning cases 26-ZN-1988 and 26-ZN-1988#2, to allow for additional building height for a 6± acre site with Single-Family Residential (R1-35) and Parking P-2 and Passenger Vehicle Parking (P-2) zoning.

**Location:** 8202 E. Cactus Road

**Presenter(s):** Brad Carr, Sr. Planner

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

– **Senior Planner Brad Carr and Applicant Representative Irene Clary presentations.**  
– **Councilwoman Milhaven made a motion to adopt Ordinance No. 4249, including the modifications to Stipulation Nos. 10 and 11 to reduce the width of the multi-use trail from 10 feet to 6 feet. Councilmember Korte seconded the motion, which carried 6/1, with Vice Mayor Smith dissenting.**

17. [WestWorld Tent Agreement](#)

**Request:** Adopt **Resolution No. 10420** authorizing Agreement No. 2016-051-COS with Barrett-Jackson Auction Company, LLC, for the possible use of the WestWorld Tent for the Barrett-Jackson 2017 and 2018 auctions.

**Presenter(s):** Dan Worth, Public Works Director

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

– **Public Works Director Dan Worth presentation.**  
– **Councilmember Korte made a motion to direct staff to amend Agreement No. 2016-051-COS to require the WestWorld tent be removed, or the removal begin March 1, 2017, after the 2017 Barrett-Jackson Auto Auction and Scottsdale Arabian Horse Show, and return to Council for approval. Councilwoman Klapp 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 18

**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.

- \*\*\*18. Receipt of Citizen Petitions – Councilman Phillips made a motion to direct the Acting City Manager to agendaize, for further discussion in the nearest possible future, the petition submitted by Howard Myers asking the Council to pass a resolution, or submit to the voters a change to the Charter, that would require either of the following to occur only with approval by public vote: 1) Construction of anything in the Preserve, other than trails, minimal facilities required for trail heads used for trail access, and the land bridge over Dynamite Boulevard; and 2) use of Preserve Tax Funds for anything other than land acquisition, the building of trails, minimal facilities required for trail heads used for trail access, and the land bridge over Dynamite Boulevard. Councilwoman Littlefield seconded the motion, which carried 4/3, with Councilmembers Klapp, Korte and Milhaven dissenting.**

**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 – 7:16 P.M.**