

SCOTTSDALE

CITY COUNCIL MEETING



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

[REQUEST TO CONTINUE ITEM NO. 8 TO MAY 6, 2014]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, March 18, 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 (April 8, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:04 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 – Red, White, and Barker Club from Barker Branch Boys and Girls Club, Youth Development Supervisor Tyler Hertz

Invocation – Todd Miller, Student Pastor, First Southern Baptist Church of Scottsdale

Mayor's Report – Mayor Lane apologized for denying a speaker's request for a moment of silence that was made during public comment at a previous Council meeting. He hoped that those hurt or angered by his action would accept his apology.

City Manager's Report – None

Presentations/Information Updates – None



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 – Patty Badenoch, David Smith, Darlene Petersen, and Susan Wheeler spoke in support of the City retaining the Community Design Studio. Jim Hill, Police Officers of Scottsdale Association, commented on the moment of silence for fallen Phoenix Police Detective Hobbs.

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.”**

MINUTES

Request: Approve the [Work Study Session Minutes of February 11, 2014](#); and [Regular Meeting Minutes of February 25, 2014](#).

– Vice Mayor Korte made a motion to approve the Work Study Session Minutes of February 11, 2014, and Regular Meeting Minutes of February 25, 2014. Councilwoman Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-22

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.

– Councilman Robbins made a motion to approve Consent Items 1 through 22. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. [Jade Palace Liquor License \(11-LL-2014\)](#) – **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 a new location and owner.
Location: 8876 E. Pinnacle Peak Road, Suite 104
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Permanent Extension of Premises for Hula’s Modern Tiki \(5-EX-2014\)](#) – **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 Hula’s Modern Tiki.
Location: 7213 E. 1st Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Permanent Extension of Premises for Breakfast Club \(3-EX-2014\)](#) – **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 Breakfast Club.
Location: 4400 N. Scottsdale Road, Suite 1-6
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. [Permanent Extension of Premises for Stax Burger Bistro \(4-EX-2014\)](#) – **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 Stax Burger Bistro.
Location: 4400 N. Scottsdale Road, Suite 12
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. **Gardner Abandonment (6-AB-2010) – Approved on Consent.**

Request: Adopt **Resolution No. 9674** extending the time to fulfill the conditions for abandoning the east 13 feet of the 33-foot GLO easement located along the east half of N. 78th Street, the south 13 feet of the 33-foot GLO easement located along the south half of E. Redbird Road, and the entire 33 feet of the east 55.8 feet of the GLO easement located along the south half of E. Redbird Road for the site consisting of parcels 212-22-047A and 212-22-047B.

Location: 26838 N. 78th Street

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

6. **Whisper Ridge Final Plat (2-PP-2013) – Approved on Consent.**

Request: Approve the 66-lot final plat, with amended development standards, on an 80-acre site located at the northeast corner of E. Shea Boulevard and N. 136th Street.

Location: Northeast corner of E. Shea Boulevard and N. 136th Street

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

7. **Cochise Estates Rezoning (14-ZN-2013) – Approved on Consent.**

Request: Adopt **Ordinance No. 4145** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning to Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning; and finding that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 10± acre site.

Location: 12804 and 12880 E. Cochise Road

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

***8. **Definitions-Responsible Party Text Amendment (1-TA-2014) – Approved on Consent.**

Request: At the request of staff, continue Text Amendment 1-TA-2014 to the May 6, 2014 City Council Meeting.

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

9. **McDowell Road Bridge Widening Project Construction Bid Award – Approved on Consent.**

Request: Adopt **Resolution No. 9647** authorizing Construction Bid Award 14PB006 to CS Construction, Inc., the lowest responsive bidder, at the unit price bid of \$2,005,261.43, for the construction of the McDowell Road Bridge Widening Project.

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

10. **Citywide Vertical Construction Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 9669** authorizing Job Order Contract Modification No. 2013-039-COS-A2 with Howard S. Wright Constructors, LP, for the second option year of the Citywide Vertical Construction Services Job Order Contract.

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

11. **Arizona Canal Path Chaparral Road to Indian Bend Wash Engineering Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 9682** authorizing Engineering Services Contract Modification No. 2012-138-COS-A1 with Olsson Associates, Inc., in the amount of \$216,240, for a one-year extension to provide design services for the Arizona Canal Path Chaparral Road to Indian Bend Wash Project.

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

12. **5th Avenue Drainage Project Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9659** to authorize:
 1. Intergovernmental Agreement No. 2014-027-COS with Flood Control District of Maricopa County to allow partnership and cost share for the 5th Avenue Drainage Project.
 2. A Fiscal Year 2013/14 Capital Contingency for Future Grants budget appropriation transfer, in a total amount of \$250,000, to a newly created capital project to be titled 5th Avenue Drainage Project to be funded by the grant funds authorized under this intergovernmental agreement.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
13. **Scottsdale Airport Lease Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9637** authorizing Contract No. 2010-166-COS-A2, the second amendment to airport land lease agreement with Piedmont Hawthorne Aviation, LLC, dba Landmark Aviation, LLC.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
14. **Harquahala Valley Land Conveyance Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9677** authorizing Purchase Agreement and Escrow Instructions Contract No. 2014-033-COS with Georgetown Holdings, LLC, for the sale of the City's 1216± acre farm in the Harquahala Valley, for the sum of \$9,126,450.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
15. **Scottsdale Rotary Clock Donation and Maintenance Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9681** authorizing Donation and Maintenance Agreement No. 2014-034-COS with Scottsdale Rotary Foundation to accept the donation and maintenance of a large, stand-alone clock to be located on the Civic Center Mall.
Staff Contact(s): J.P. Twist, Mayor's Chief of Staff, 480-312-7806, jptwist@scottsdaleaz.gov
16. **Transit and Canal Bridge Grant Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9646** to authorize:
 1. Intergovernmental Agreement No. 2014-019-COS with the City of Phoenix for the purpose of accepting pass-through Federal Transit Administration Grant No. AZ-90-X124, in a total grant amount of \$477,749, for the reimbursement of expenditures associated with the Crosscut Canal path and bridge project, trolley fleet preventative maintenance, and operations of the Miller Road Circulator. The agreement stipulates a local match in the amount of \$471,035.
 2. A budget authority transfer in the amount of \$452,214 (Federal Transit Administration grant of \$180,886, with a local match of \$271,328 from Transportation Sales Tax) from the FY 2013/14 Capital Grant Contingency to a newly created Crosscut Canal Bridge and Path Project cost center to record the related grant activity.
 3. A budget authority transfer in the amount of \$129,542 from the FY 2013/14 Transportation Fund transit operations budget to a newly created cost center to record the related grant activity for trolley fleet preventative maintenance.
 4. A budget authority transfer in the amount of \$167,321 from the FY 2013/14 Transportation Fund transit operations budget to a newly created cost center to record the related grant activity for the Miller Road circulator.**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
17. **Diverging Diamond Interchange – Approved on Consent.**
Request: Adopt **Resolution No. 9684** stating support for the continued direct access to the properties west of SR-101 and south of Princess drive in the vicinity of the SR-101 interchange with Princess Drive and Pima Road.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

18. **DUI Alcohol Equipment Grant – Approved on Consent.**
Request: Adopt **Resolution No. 9672** to authorize:
1. Agreement No. 2014-031-COS with the Arizona Governor's Office of Highway Safety to accept a grant in the amount of \$90,493 for DUI alcohol equipment.
2. A budget transfer from the adopted FY 2013/14 Future Grants Budget and/or the Grant Contingency Budget and creation of a new cost center to record the related grant activity.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov
19. **Scottsdale Housing Annual Agency Plan – Approved on Consent.**
Request: Adopt **Resolution No. 9661** approving the Public Housing Agency (PHA) Annual Plan for FY 2014/15 for the Housing Choice Voucher (HCV) Program funded through the United States Department of Housing and Urban Development (HUD); authorizing changes to the Scottsdale Housing Agency Administrative Plan; and accepting additional Housing Choice Vouchers that may become available from HUD. The PHA Annual Plan serves as Scottsdale's application for funding for the HCV program and includes information regarding the City goals, objectives, policies, and programs related to the Violence Against Women Act, as required by law.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
20. **Preserve General Obligation Bonds – Approved on Consent.**
Request: Adopt **Resolution No. 9691** providing for the negotiated sale and issuance of up to \$14 million principal amount of Preserve General Obligation bonds; providing the terms concerning the bonds; authorizing the City Treasurer to negotiate, execute, and deliver certain agreements, including acceptance of the proposal for the purchase of the bonds; and appointing an initial bond registrar and paying agent for the bonds.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov
21. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2013/14 Monthly Financial Report as of January 2014.
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov
22. **Fiscal Year 2013/14 Capital Budget Adjustment – Approved on Consent.**
Request: Adopt **Resolution No. 9683** authorizing a FY 2013/14 capital budget adjustment to change a funding source for capital project D1102 Tony Nelssen Equestrian Center Expansion from General Fund to Municipal Property Corporation Bonds totaling \$4,200,000.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 23-26**

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.**

23. **Water, Sewers, and Sewage Disposal Code Amendment** – Councilman Phillips made a motion to adopt Ordinance No. 4146 amending Scottsdale Revised Code Chapter 49 (Water, Sewers, and Sewage Disposal) to allow for a Salinity Reduction Rebate program to be effective July 1, 2014. Vice Mayor Korte seconded the motion, which carried 6/1, with Councilwoman Milhaven dissenting.
Request: Adopt **Ordinance No. 4146** amending Scottsdale Revised Code Chapter 49 (Water, Sewers, and Sewage Disposal) to allow for a Salinity Reduction Rebate program to be effective July 1, 2014.
Presenter(s): Brian Biesemeyer, Water Resources Executive Director
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
24. **Legislative Update** – Government Relations Director Brad Lundahl presentation
Request: Provide an update to the Council and receive possible direction regarding current and pending State legislative issues and policies.
Presenter(s): Brad Lundahl, Government Relations Director
Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov
25. **Sign Walker Ordinance**
– City Attorney Bruce Washburn and Assistant Chief of Police Jeff Walther presentation
– Councilman Littlefield made a motion to: (1) Keep the sign walker ordinance as is; (2) continue to enforce the sign ordinance as we have been; and (3) direct the City Attorney to defend the ordinance if the legislature passes HB 2528. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilman Phillips dissenting.
– City Attorney Bruce Washburn clarified that the motion for this item is for the purpose of providing direction to staff and that it is not a final binding legal action on the part of the City Council.
Request: Presentation and possible direction to staff on the current sign walker ordinance, including possible alternatives.
Presenter(s): Bruce Washburn, City Attorney; Jeff Walther, Assistant Chief of Police
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
26. **Monthly Financial Update** – City Treasurer Jeff Nichols presentation
Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial update as of February 2014.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@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 27

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.

27. 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

Mayor and Council Items – None

Adjournment – 7:32 P.M.