

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM No. A1 AND CONSENT ITEM No. 16A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, October 7, 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 (October 21, 2014).

5:00 P.M.

***** AMENDED 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 – Boy Scout Troop 916, Scoutmaster John Parks

– Mayor Lane acknowledged the untimely passing of Fire Captain Eddie Loggins. He offered condolences to family, friends, and colleagues of Captain Loggins.

Invocation – Father Edward Reese S.J., Brophy Preparatory Academy

Mayor's Report – Mayor Lane read two proclamations, one declaring October as Domestic Violence Awareness Month and the other declaring October as McDowell Sonoran Preserve Month.

– Director of Communications Kelly Corsette gave an update on the Annual Citizens Report.

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 – Mike Aloisi commented on the City Managers return, police funds, and the upcoming announcement of a 100-acre theme park.

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.”**

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**

– Item No. 16A was removed from the agenda by staff; therefore, no vote was needed on Item A1.

Consent Item No. 16A was added to the agenda on October 6, 2014.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is October 21, 2014.

MINUTES

Request: Approve the [Special Meeting Minutes of September 9, 2014](#); and [Regular Meeting Minutes of September 9, 2014](#).

– Councilman Robbins made a motion to approve the Special Meeting Minutes of September 9, 2014; and Regular Meeting Minutes of September 9, 2014. Councilwoman Milhaven seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-16A

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 16, absent Item 14, which was removed by staff, and Item 15, which was removed for a separate vote. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. [Craft 64 Liquor License \(59-LL-2014\)](#) – Approved on Consent.

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 7 (beer and wine bar) State liquor license for a new location and owner.

Location: 6922 E. Main Street

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

2. **[Atria Sierra Pointe Liquor License \(84-LL-2014\)](#) – 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 7 (beer and wine bar) State liquor license for an existing location with a new owner.
Location: 14500 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **[U.S. Egg Restaurant Liquor License \(85-LL-2014\)](#) – 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: 7119 E. Shea Boulevard, Suite 101-103
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **[Jacksons Store No. 807 Liquor License \(86-LL-2014\)](#) – 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: 14717 N. Northsight Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **[Jacksons Store No. 806 Liquor License \(87-LL-2014\)](#) – 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: 15515 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **[The Beverly Liquor License \(89-LL-2014\)](#) – 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: 7018 E. Main Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **[Permanent Extension of Premises for O.H.S.O. Eatery & Distillery \(13-EX-2014\)](#) – 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 a Series 1 (in-state producer) and Series 12 (restaurant) State liquor license for an existing location and owner.
Location: 15681 N. Hayden Road, Suite 112
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **[Maya Day & Nightclub Outdoor Dining License Agreement](#) – Approved on Consent.**
Request: Adopt **Resolution No. 9891** authorizing Outdoor Dining License Agreement No. 2014-153-COS with Equity Partners Group, LLC, for an outdoor dining patio on City right-of-way.
Location: 7333 E. Indian Plaza
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, daworth@scottsdaleaz.gov
9. **[Storm Water Projects On-Call Engineering Services Contracts](#) – Approved on Consent.**
Request: Adopt **Resolution No. 9878** authorizing the following on-call engineering services contracts, in an amount not to exceed \$1,000,000 per term, for design of various storm water projects:
 1. On-Call Engineering Services Contract No. 2014-141-COS with Gavan & Barker, Inc.
 2. On-Call Engineering Services Contract No. 2014-142-COS with Olsson Associates**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, daworth@scottsdaleaz.gov

10. **Scottsdale Convention and Visitors Bureau Additional Event Request – Approved on Consent.**
Request: Adopt **Resolution No. 9907** approving the 2015 Native Trails Event as an “Additional Event” under the Destination Marketing Service Agreement No. 2012-053-COS with the Scottsdale Convention and Visitors Bureau.
Staff Contact(s): Steve Geiogamah, Tourism Development Manager, 480-312-4013, sgeiogamah@scottsdaleaz.gov
11. **Public Safety Radio Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9899** authorizing Intergovernmental Agreement No. 2014-159-COS and Site Specific Supplement No. 001 with the City of Phoenix for the installation and operation of municipal and public safety radio communications equipment on City of Phoenix properties.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov; Brad Hartig, Information Technology Executive Director, 480-312-7615, bhartig@scottsdaleaz.gov
12. **Proposition 202 Funds Acceptance Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9892** to authorize:
 1. Intergovernmental Agreement No. 2014-154-COS with the Fort McDowell Yavapai Nation to accept \$100,000 in Proposition 202 Tribal Gaming funds.
 2. Budget transfer in the amount of \$100,000 from the adopted FY 2014/15 Grant Contingency and/or the Future Grants Budget to the center assigned to record all the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov
13. **Audit Committee Recommendation for Parks and Recreation Commission Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 9904** accepting the Audit Committee’s recommendation and authorizing continuation of the Parks and Recreation Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
14. **Fiscal Year 2014/15 General Fund Operating Budget Adjustments – Removed at the request of staff.**
Request: Adopt **Resolution No. 9909** authorizing a budget transfer in an amount not to exceed \$135,000 from the FY 2014/15 Economic Development, Administration Personnel Services Operating Budget, to the FY 2014/15 Economic Development, Business Development Contractual Services Operating Budget.
Staff Contact(s): Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov
15. **City of Scottsdale v. State of Arizona Appeal – Councilman Robbins made a motion to adopt Resolution No. 9910 authorizing the City Attorney to appeal to the Arizona Court of Appeals any judgment or other action taken by the Court in *City of Scottsdale v. State of Arizona*, Case No. CV2014-003467, currently pending in Maricopa County Superior Court, and to seek review before the Arizona Supreme Court of any adverse ruling received upon such appeal. Councilwoman Milhaven seconded the motion, which carried 6/1, with Vice Mayor Phillips dissenting.**
Request: Adopt **Resolution No. 9910** authorizing the City Attorney to appeal to the Arizona Court of Appeals any judgment or other action taken by the Court in *City of Scottsdale v. State of Arizona*, Case No. CV2014-003467, currently pending in Maricopa County Superior Court, and to seek review before the Arizona Supreme Court of any adverse ruling received upon such appeal.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

16. **Tantip v. City of Scottsdale, et al. Settlement – Approved on Consent.**

Request: Adopt **Resolution No. 9908** authorizing settlement, in the amount of \$23,000, of Aphaporn Tantip's negligence lawsuit against the City entitled *Tantip v. City of Scottsdale, et al.*, Case No. CV 2014-008723, currently pending in the Maricopa County Superior Court.

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

***16A. **Acquisition of Real Property – Removed at the request of staff.**

Request: Adopt **Resolution No. 9939** authorizing the City Manager, or designee, to make one or more offers in such amounts as may be reasonable to purchase two parcels of vacant real estate containing approximately 30,000 square feet and located west of 77th Street and on the north side of McDowell Road in Scottsdale, and, if one of the offers is accepted, to pay required deposits and provide complete payment to the property owner, and to take such other steps as are reasonable and necessary to acquire the property for the City.

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

REGULAR AGENDA **ITEMS 17-19**

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.**

17. **National League of Cities Annual Membership Dues**

***** – Councilwoman Klapp made a motion to renew the annual membership with the National League of Cities. Councilwoman Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilman Littlefield dissenting.**

***** – Councilwoman Klapp made a motion to adopt Resolution No. 9839 to authorize:**

- a. Payment of annual membership dues for FY 2014/15 in the amount of \$12,468 to the National League of Cities.**
- b. The City Manager to identify and use savings/unobligated funds in the FY 2014/15 General Fund Operating Budget.**
- c. Budget transfer of \$12,468 from the General Fund divisions where the operating budget savings/unobligated funds reside to the Mayor and City Council General Fund Operating Budget to cover the costs of the National League of Cities membership.**

Councilmember Korte seconded the motion, which carried 6/1, with Councilman Littlefield dissenting.

Requests:

1. Discuss, consider, and vote on whether to renew annual membership with the National League of Cities for FY 2014/15. If the majority of the Council chooses not to renew the membership with the National League of Cities, then no further action is needed.
2. If the Council chooses to renew the membership with the National League of Cities for FY 2014/15, adopt **Resolution No. 9839** to authorize:
 - a. Payment of annual membership dues for FY 2014/15 in the amount of \$12,468 to the National League of Cities.
 - b. The City Manager to identify and use savings/unobligated funds in the FY 2014/15 General Fund Operating Budget.
 - c. Budget transfer of \$12,468 from the General Fund divisions where the operating budget savings/unobligated funds reside to the Mayor and City Council General Fund Operating Budget to cover the costs of the National League of Cities membership.

Presenter(s): Brad Lundahl, Government Relations Director

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

18. [Scottsdale Museum of the West Debt Service Fund Transfer and Tony Nelssen Equestrian Center Capital Budget Adjustment](#)

– Councilman Littlefield made a motion to adopt Resolution No. 9900 to authorize:

1. Staff to not transfer \$900,000 from bed tax carry-over funds to the Debt Service Fund to provide a debt service reserve equal to one year's debt service for the Scottsdale Museum of the West.
2. FY 2014/15 capital budget adjustment in an amount of \$1,115,000 to change a funding source for the Tony Nelssen Equestrian Center expansion capital project (D1102, DA06A) from the Municipal Property Corporation Bonds funding source to the Tourism Development Fund funding source.

Councilwoman Klapp seconded the motion, which carried 7/0.

Request: Adopt Resolution No. 9900 to authorize:

1. Staff to not transfer \$900,000 from bed tax carry-over funds to the Debt Service Fund to provide a debt service reserve equal to one year's debt service for the Scottsdale Museum of the West.
2. FY 2014/15 capital budget adjustment in an amount of \$1,115,000 to change a funding source for the Tony Nelssen Equestrian Center expansion capital project (D1102, DA06A) from the Municipal Property Corporation Bonds funding source to the Tourism Development Fund funding source.

Presenter(s): Jeff Nichols, City Treasurer

Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov

19. [Scottsdale Road Hotel Trolley](#)

– Councilman Littlefield made a motion to adopt the Transportation Director's recommendation to not continue the Day Tripper trolley service, except for the two week period during the Super Bowl (January 21 to February 3, 2015). Councilmember Korte seconded the motion, which failed 3/4, with Vice Mayor Phillips and Councilmembers Klapp, Milhaven, and Robbins dissenting.

– Councilwoman Milhaven made a motion to direct staff to: move forward with the three-month trolley program; work with the TDC to consider extending the route to the transit center in Tempe; and come back to Council with a report, pulled from the Transportation Department and from Tourism, on this year's program before the 2015 summer break. Councilman Robbins seconded the motion, which carried 5/2, with Mayor Lane and Councilman Littlefield dissenting.

– Councilman Littlefield proposed an amendment to add that if the trolley program does not work after one more year the City would cancel the service. Motion died for lack of a second.

Request: Presentation, discussion, and possible direction to staff to provide Scottsdale Road Hotel Trolley (Day Tripper) service.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@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 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 20

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.

20. 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 – 7:02 P.M.