

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED ITEM NO. 16 AND REWORDED ITEM NOS. 14 AND 15]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, March 21, 2017

Unless an exception is made, or unless otherwise noted, 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 4, 2017).

5:00 P.M.

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 – Troop 147, Scoutmaster Richard Hinz

Invocation – Pastor Josh Newton, First Southern Baptist Church

Mayor's Report – Mayor Lane commented on the outstanding work that is done by the City's Operation Fix It Program, and thanked all of the volunteers that work to make the program a success. Mayor Lane and Scottsdale Fix It Program Manager, Michelle Holmes, accepted a check in the amount of \$32,000 from Scottsdale Business Development Forum President Mark Dewane.

Presentations/Information Updates – Scottsdale Arts President and CEO Neale Perl presentation.

- **Scottsdale Arts Update** - Neale Perl, President and CEO

Public Comment – Howard Myers commented on fiscal sustainability. Mark Meyers spoke about the Arizona Music and Entertainment Hall of Fame Induction Ceremony scheduled for March 26, 2017. Jason Alexander commented on the activities of Desert Discovery Center Scottsdale.

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak card must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.



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).

FOR ADDITIONAL INFORMATION VISIT: WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. 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

The supporting materials for Item No. 14 and the Council Report and support materials for Item No. 15 were added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or continue the added item(s) to the April 4, 2017 Council meeting.

– Councilman Phillips made a motion to accept the agenda as presented. Councilmember Korte seconded the motion, which carried 7/0.

MINUTES

Request: Approve the [Special Meeting Minutes of February 21, 2017](#); [Regular Meeting Minutes of February 21, 2017](#); and [Work Study Session Minutes of February 28, 2017](#).

– Councilmember Korte made a motion to approve the Special Meeting Minutes of February 21, 2017; Regular Meeting Minutes of February 21, 2017; and Work Study Session Minutes of February 28, 2017. Councilman Phillips seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-11

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 and give the card(s) to the City Clerk before the Mayor announces the Consent Agenda. **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.

– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 11. Councilwoman Littlefield seconded the motion, which carried 7/0.

1. [Arco AM PM No. 82567 Liquor License \(6-LL-2017\)](#) – 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: 10809 N. Frank Lloyd Wright Boulevard

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

2. **[Sienna Hills Abandonment Correction \(Related to 8-AB-2014\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10689** amending prior Resolution Nos. 9946 and 10273 to correct an error in the abandonment legal description, title, and depiction for a portion of the E. Sahuaro Drive alignment, west of N. 124th Street. **Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
3. **[DPMG Hayden Rezoning \(24-ZN-2016\)](#) – **Approved on Consent.**
Request: Adopt **Ordinance No. 4301** approving a zoning district map amendment from Industrial Park (I-1) zoning to General Commercial (C-4) zoning on a 2.1±-acre site.
Location: 15000 N. Hayden Road; **Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
4. **[Easement Termination and Wellsite and Access Easement Agreements](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10737** authorizing Easement Termination Agreement No. 2017-042-COS, with the Salt River Project Agricultural Improvement and Power District, and Well Site and Access Easement No. 2017-043-COS, with Motorola Solutions, Inc., related to the City's 1.5-acre parcel at SkySong.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
5. **[Citywide Vertical Construction Services Job Order Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10743** authorizing Contract No. 2013-039-COS-A6, with Balfour Beatty Construction, LLC, for the fifth and final option year of the Citywide vertical construction services job order contract.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
6. **[Zone 2 Water System Improvements Construction Bid Award](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10749** authorizing Construction Bid Award No. 17PB021, with Hunter Contracting Co., the lowest responsive bidder, at the unit bid price of \$6,265,674 for construction of the Zone 2 Water System on Frank Lloyd Wright Boulevard from 90th Street to Via Linda.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov**
7. **[Cooperative Law Enforcement Training Operations Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10732** authorizing Agreement No. 2017-040-COS with the Arizona Department of Liquor Licenses and Control for cooperative law enforcement training operations.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov**
8. **[Maricopa Trail Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10720** authorizing Agreement No. 2017-038-COS with Maricopa County for trail signage and maintenance on the Maricopa Trail through the City of Scottsdale.
Staff Contact(s): Kroy Ekblaw, Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov; Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov**
9. **[Preserve General Obligation Bond Issuance \(S.P.A. Refinancing\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10742** providing for the prepayment and refinancing of a portion of the City's payment obligations related to the Scottsdale Preserve Authority's Excise Tax Revenue Bonds and Excise Tax Revenue Refunding Bonds and the negotiated sale and issuance of up to \$20 million in principal amount of Preserve General Obligation bonds; providing the terms concerning the bonds; authorizing the City Treasurer to negotiate, execute and deliver certain agreements and documents, including acceptance of the proposal for the purchase of the bonds and appointing a depository trustee; 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**

10. [Notice of Intention to Increase Water and Water Reclamation Rates and Fees – Approved on Consent.](#)
Request: Adopt notice of intention to increase water and water reclamation rates, increase miscellaneous water charges, and make housekeeping adjustments to Chapter 49 of the Scottsdale Revised Code for FY 2017/18; and establish May 23, 2017, as the date for a public hearing.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
11. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2016/17 Monthly Financial Report as of January 2017.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 12-18

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 up to 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.**

Public Comment Note: Item Nos. 12 and 13 will be presented together. Speakers will be given one opportunity to address the Council on one or both items.

12. [Scottsdale Heights Roadway Easement Abandonment \(10-AB-2016\)](#)
Request: Adopt **Resolution No. 10680** authorizing the abandonment of the eastern 30 feet of a 55-foot-wide roadway easement along the western edge of a property with Central Business District, Environmentally Sensitive Lands (C-2 ESL) zoning.
Location: 7225 E. Dove Valley Road
Presenter(s): Keith Niederer, Sr. Planner
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
13. [Scottsdale Heights Non-Major General Plan Amendment and Rezoning \(4-GP-2016 and 9-ZN-2016\)](#)
Requests:
1. Adopt **Resolution No. 10681** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Commercial to Urban Neighborhoods on 14± acres of a 15.5±-acre site.
 2. Adopt **Ordinance No. 4292** approving a zoning district map amendment from Central Business District, Environmentally Sensitive Lands (C-2 ESL) to Medium Density Residential, Environmentally Sensitive Lands (R-3 ESL), on 14± acres of a 15.5±-acre site.
- Location:** 7225 E. Dove Valley Road
Presenter(s): Keith Niederer, Sr. Planner
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- **Senior Planner Keith Niederer presentation.**
 - **Applicant representative John Berry presentation.**
 - **Councilwoman Milhaven made a motion to adopt: Resolution No. 10680, authorizing the abandonment of the eastern 30 feet of a 55-foot-wide roadway easement; Resolution No. 10681, approving a Non-Major General Plan amendment to the Scottsdale General Plan 2001**

Conceptual Land Use Map from Commercial to urban Neighborhoods; and Ordinance No. 4292, approving a zoning district map amendment from Central Business District, Environmentally Sensitive Lands, to Medium Density Residential, Environmentally Sensitive Lands. Vice Mayor Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Smith dissenting.

*****14. Palmeraie Rezoning (7-ZN-2016)**

Requests:

1. Adopt **Ordinance No. 4289** approving a zoning district map amendment from Resort/Townhouse Residential (R-4R) zoning to Planned Regional Center (PRC) zoning, including approval of a development plan on a 20±-acre site.
2. Adopt **Resolution No. 10645** declaring the document entitled “*Palmeraie Development Plan*” to be a public record.
3. Adopt **Resolution No. 10677** to authorize:
 - a. Development Agreement No. 2017-003-COS with Fire Star Development Communities, LLC (Developer).
 - b. The City Manager, or designee, to accept from the Developer a monetary contribution in the amount of \$408,000 as a “Usage Fee” for use by the City to assist in constructing and maintaining the City’s regional drainage system.

Location: 6990 N. Scottsdale Road

Presenter(s): Brad Carr, Principal Planner

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

– Principal Planner Brad Carr presentation.

– Applicant representative Jason Morris presentation.

– Councilman Phillips made a motion to adopt Ordinance No. 4289, Resolution No. 10645, and Resolution No. 10677. Councilwoman Littlefield seconded the motion, which carried 7/0.

*****15. Underground Utility Facilities Improvement District No. I-6002**

Requests:

1. Adopt **Resolution No. 10756** as the official canvass of votes cast in an all-mail ballot election held on March 2, 2017, regarding the formation of City of Scottsdale, Arizona, Underground Utility Facilities Improvement District No. I-6002 (District); declaring the District formed; and authorizing and ordering the recording of the election results.
2. Adopt **Resolution No. 10757** ordering the work as described in the Resolution of Intention and approving the form of agreement (Contract No. 2017-049-COS) between the City and the coordinating utility (APS); and ratifying the taking of other actions taken in furtherance of the District.
3. Adopt **Resolution No. 10758** approving the levying of an assessment and assessment diagram; setting a date for an assessment hearing; and ratifying the taking of other actions taken in furtherance of the District.

Presenter(s): Daniel Worth, Public Works Director

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

– Public Works Director Dan Worth presentation.

– Councilwoman Milhaven made a motion to adopt Resolution No. 10756, Resolution No. 10757, and Resolution No. 10758. Councilmember Korte seconded the motion, which carried 7/0.

*****16. Sign Ordinance Update – Temporary Signs Text Amendment (2-TA-2016)**

(Removed at the request of staff.)

17. **Special Events Ordinance Update – Special Events Signs**
Request: Adopt **Ordinance No. 4302** amending Scottsdale Revised Code, Chapter 22, Sections 22-3 and 22-8, and adding Section 22-23, for the purpose of modifying and adding sign regulations for special events signage, previously located in Section 8.200 and 8.537 of the Zoning Ordinance.
Presenter(s): Cheryl Sumners, Events Manager
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
– Events Manager Cheryl Sumner presentation.
– Councilmember Korte made a motion to adopt Ordinance No. 4302. Councilwoman Milhaven seconded the motion, which carried 7/0.
18. **Monthly Financial Update**
Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of February 2017.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
– City Treasurer Jeff Nichols presentation.

Public Comment – None

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council’s jurisdiction. No official Council action can be taken on these items.

Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak card must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

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CITIZEN PETITIONS

ITEM 19

Citizen Petitions: This portion of the agenda is reserved for the consideration of citizen petitions that were submitted during Public Comment. The only action to be taken on a citizen petition submitted at tonight’s meeting is to accept and acknowledge receipt of the petition and to: (1) direct the City Manager to agendize the petition; (2) direct the City Manager to investigate the matter and prepare a written response to Council; or (3) take no action. No public Comment will be taken on this item.

19. **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 – 8:10 P.M.