

SCOTTSDALE

CITY COUNCIL MEETING



***** AMENDED *** MEETING NOTICE AND AGENDA**
[MOVED CONSENT ITEM NOS. 10 AND 11 TO THE REGULAR AGENDA]

COUNCIL

W.J. "Jim" Lane, Mayor
Suzanne Klapp
Virginia L. Korte
Robert W. Littlefield

Linda Milhaven
Guy Phillips
Dennis E. Robbins

Tuesday, September 10, 2013

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 (September 24, 2013).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 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 2245, Troop Leader Amanda Crisalli

Invocation – Mayor Lane requested a moment of silence.

Mayor's Report – Mayor Lane announced that Tuesday, September 17, is Constitution Day. Scottsdale students were invited to describe, through words or art, what the Constitution and Bill of Rights means to them. More information is available at www.Scottsdaleaz.gov or by calling the Mayor's office at 480-312-7977.

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 – Sam West asked the Council if the General Plan Task Force members serve the citizens of Scottsdale or City government.

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. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

MINUTES

Request: Approve the [Regular Meeting Minutes of August 19, 2013](#) and [August 20, 2013](#).

– Councilman Robbins made a motion to approve the Regular Meeting Minutes of August 19, 2013 and August 20, 2013. Councilmember Korte seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-19

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 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 Items 1 through 19. (It was noted that Items 10 and 11 were moved to the Regular Agenda.) Councilman Robbins seconded the motion, which carried 7/0.

1. [AMF Scottsdale Lanes Liquor License \(63-LL-2013\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 6 (bar) State liquor license.
Location: 7300 E. Thomas Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [AMF Scottsdale Lanes Liquor License \(64-LL-2013\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 6 (bar) State liquor license.
Location: 7300 E. Thomas Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Café Monarch Liquor License \(68-LL-2013\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new location and owner.
Location: 6934 E. 1st Avenue, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. [V 95 Wine Lounge Liquor License \(69-LL-2013\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 7014 E. Camelback Road, Unit J-34
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. **[Scottsdale Fashion Square Mall - V 95 Conditional Use Permit \(9-UP-2013\)](#)** – **Approved on Consent.**
Request: Adopt **Resolution No. 9518** approving a Conditional Use Permit for a bar use for a 535± square-foot establishment with Downtown Regional Commercial Office, Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning, and finding that the conditional use permit criteria have been met.
Location: 7014 E. Camelback Road, Unit J-34
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
6. **[Desert Mountain Club Private Recreational Facility Conditional Use Permit \(6-UP-2013\)](#)** – **Approved on Consent.**
Request: Adopt **Resolution No. 9517** approving a Conditional Use Permit for “Community Buildings and Recreational Facility Not Publicly Owned” on a 33± acre parcel with Single-Family Residential, Environmentally Sensitive Lands Districts (R1-35 ESL) zoning, and finding that the conditional use permit criteria have been met.
Location: 44155 N. Chiricahua Pass
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
7. **[Morning Vista Partial Abandonment \(1-AB-2013\)](#)** – **Approved on Consent.**
Request: Adopt **Resolution No. 9488** abandoning the northern twenty feet of the 40-foot E. Morning Vista Road right-of-way located along the southern boundary of parcel 216-70-003L with Single-Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-190/ESL/FO) zoning designation.
Location: 8449 E. Dixileta Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
8. **[Verizon Wireless Limited Use License Agreement](#)** – **Approved on Consent.**
Request: Adopt **Resolution No. 9516** authorizing License Agreement No. 2012-187-COS with Verizon Wireless to allow access across City-owned property for the purpose of installing wireless communications facilities.
Location: 11989 N. 136th Street
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
9. **[Citywide Vertical Construction Services Job Order Contract Modification](#)** – **Approved on Consent.**
Request: Adopt **Resolution No. 9523** authorizing Job Order Contract Modification No. 2013-039-COS-A1 with Howard S. Wright Constructors, LP to increase the individual job order limit for citywide vertical construction services.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
- ***10. **[Civic Center Library Structural Repair General Fund Operating Contingency Budget Transfer](#)**
Item No.10 moved to the Regular Agenda
- ***11. **[Bellevue Property Improvements General Fund Capital Contingency Budget Transfer](#)**
Item No. 11 moved to the Regular Agenda

12. **Paloma Paseo Wash and Trail Improvements Development Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 9309** authorizing Development Agreement No. 2013-027-COS with the Paloma Paseo Homeowners Association for wash improvements that will benefit a City trail.

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

13. **Arizona Criminal Justice Commission Full-Service Forensic Crime Laboratory Grant – Approved on Consent.**

Request: Adopt **Resolution No. 9477** to authorize:

1. Contract No. 2013-125-COS to accept an Arizona Criminal Justice Full-Service Forensic Crime Laboratory grant in the amount of \$104,000 to continue funding a forensic scientist supervisor position.
2. A budget transfer for the grant amount from the adopted FY 2013/14 Future Grants Budget and/or the Grant Contingency Budget and the creation of a new cost center to record the related grant activities.

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

14. **Arizona Department of Homeland Security Grant – Approved on Consent.**

Request: Adopt **Resolution No. 9515** to authorize:

1. Acceptance of FY 2013 and FY 2011 Reallocation Arizona Department of Homeland Security (AZDHS) Urban Area Security Initiative grant funds in the amount of \$163,850. The AZDHS grants are as follows:
 - a. Police Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) grants in the amount of \$74,000 for the purchase of a breaching door training system, detention and maintenance equipment, and an entry robot for the SWAT team.
 - b. Fire CBRNE grant in the amount of \$54,000 for the purchase of a laptop computer, gas detention equipment, and hazardous materials certification training.
 - c. Terrorism Liaison Officer (TLO) grant in the amount of \$35,850 for the purchase of a telephoto camera lens, radiation detection equipment, and for registration and travel expenses for program personnel to attend a TLO conference.
2. A budget transfer in the amount of \$163,850 from the adopted FY 2013/14 Future Grants Budget and/or Grant Contingency Budget and the 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

15. **Assistance to Firefighters Grant – Approved on Consent.**

Request: Adopt **Resolution No. 9519** to authorize:

1. Acceptance of Federal Emergency Management Agency U.S. Department of Homeland Security Assistance to Firefighters grant in the amount of \$68,508, requiring a 20% cost share, to purchase cardiac monitors.
2. A budget transfer in the amount of \$54,807 from the FY 2013/14 Future Grants Budget and/or the Grant Contingency Budget and the creation of a new cost center to record the related grant activity. The 20% cost share in the amount of \$13,701 is included in the Fire Department's General Fund operating budget.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1892, tshannon@scottsdaleaz.gov

16. **Strategic National Stockpile Assets Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 9454** authorizing Intergovernmental Agreement No. 2013-084-COS with the Maricopa County Department of Public Health for the purpose of distributing medications, other medical materials, and information to the City for dispensing to City employees and their families in the event of an emergency.

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

17. **Federal Transit Administration Grant Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9510** authorizing Intergovernmental Agreement No. 2013-140-COS with the City of Phoenix to accept Federal Transit Administration grant funds in the amount of \$43,839, minus local match of \$2,499, to be used for preventative maintenance on City-owned transit vehicles.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
18. **U.S. Department of Agriculture Compliance Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9504** authorizing Compliance Agreement No. 2013-136-COS with the U.S. Department of Agriculture for regulated garbage services at Scottsdale Airport.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
19. **Employee Survey Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9512** authorizing Intergovernmental Agreement No. 2013-142-COS with Arizona State University to conduct an online employee survey for as part of a research collaboration exploring retention, job attitudes, and workplace behaviors.
Staff Contact(s): Bruce Davis, Human Resources Executive Director, 480-312-2615, bdavis@scottsdaleaz.gov

REGULAR AGENDA

ITEMS 20-22 (ITEMS 10 AND 11 MOVED FROM CONSENT AGENDA)

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 any regular agenda or public hearing item.**

- ***10. **Civic Center Library Structural Repair General Fund Operating Contingency Budget Transfer – Councilman Robbins made a motion to approve Item 10. Councilwoman Milhaven seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 9522** authorizing a General Fund Operating Contingency budget transfer in the amount of \$1,750,000 to cost center 100-2090A-52330, Facilities Management Repair and Maintenance, for the structural repair of the Civic Center Library and 2nd Street parking garages.
Presenter(s): Derek Earle, City Engineer
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
- ***11. **Belleview Property Improvements General Fund Capital Contingency Budget Transfer – Councilwoman Milhaven made a motion to adopt Resolution No. 9524 authorizing a General Fund Capital Contingency budget transfer in the amount of \$800,000 to CIP Project 402-DA03A, Belleview Property Improvements. Vice Mayor Klapp seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Littlefield and Phillips dissenting.**
– Councilman Littlefield made an alternate motion to sell the property and pay the penalty. Councilman Phillips seconded the motion, which failed 3/4, with Vice Mayor Klapp and Councilmembers Korte, Milhaven, and Robbins dissenting.
Request: Adopt **Resolution No. 9524** authorizing a FY 2013/14 General Fund Capital Contingency budget transfer in the amount of \$800,000 to existing CIP Project 402-DA03A, Belleview Property Improvements, for the design and construction of new affordable housing units on City-purchased properties at 7220 and 7224 E. Belleview Street.
Presenter(s): William Murphy, Community Services Executive Director
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

20. Public Safety Plan Ordinance

- Councilman Littlefield made a motion to add a provision to the proposed ordinance that would give the Scottsdale Police Department first right of refusal on any use of police officers required by the ordinance. Councilman Phillips seconded the motion. Motion withdrawn.
- Councilwoman Milhaven made an alternate motion to adopt Ordinance No. 4109 and instruct the City Attorney to come back with an ordinance amending Scottsdale Revised Code (SRC) 17-243 to give the Scottsdale Police Department first right of refusal on any use of police officers required by the proposed ordinance. Councilmember Korte seconded the motion. Motion withdrawn.
- Councilman Littlefield made a motion to direct staff to bring back an ordinance amending SRC 17-234 to give the Scottsdale Police Department first right of refusal on any use of police officers required by the proposed ordinance. Councilman Phillips seconded the motion, which carried 4/3, with Mayor Lane, Vice Mayor Klapp, and Councilman Robbins dissenting.
- Councilman Littlefield made a motion to amend the definition of “public safety incident” to include misdemeanors and require that it be within thirty days and not ten days. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.
- Councilman Littlefield made a motion to double the amounts of the fines specified in the proposed ordinance, or, if a lesser amount is specified by State law, to the maximum amount allowed. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.
- Councilmember Korte made a motion to adopt Ordinance No. 4109 adding Article IV, Sections 23-50 through 23-76, to Chapter 23 of the Scottsdale Revised Code for the imposition and regulation of Public Safety Plans. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

Request: Adopt **Ordinance No. 4109** adding Article IV, Sections 23-50 through 23-76, to Chapter 23 of the Scottsdale Revised Code for the imposition and regulation of Public Safety Plans.

Presenter(s): J.P. Twist, Mayor’s Chief of Staff

Staff Contact(s): J.P. Twist, Mayor’s Chief of Staff, 480-312-7806, jptwist@scottsdaleaz.gov; Luis Santaella, Senior Assistant City Attorney, 480-312-7771, lsantaella@scottsdaleaz.gov; Jim Ford, Deputy Chief and Fire Marshall, 480-312-1804, jford@scottsdaleaz.gov; Jeff Walther, Commander, Scottsdale Police Department, 480-312-2567, jwalther@scottsdaleaz.gov

21. Fire Station 602 Staffing

- Councilwoman Milhaven made a motion to continue conversation on the item until the City Manager can come back with a recommendation and can demonstrate where we are against existing standards of coverage performance. Mayor Lane seconded the motion. No vote taken.
- Councilman Littlefield made an alternate motion to adopt Option A. Councilman Phillips seconded the motion. No vote taken.
- Councilman Robbins made a second alternate motion to adopt Resolution No. 9526, Option A, reducing the number of FTEs to eight, and authorizing a budget transfer in the amount of \$509,655 from the General Fund Operating Contingency to the Fire Department’s General Fund Operating budget. Vice Mayor Klapp seconded the motion, which carried 6/1, with Councilman Littlefield dissenting.

Request: Adopt **Resolution No. 9526** to authorize one of the following options:

- A. The creation of 13 Full-Time Equivalent Firefighter positions during FY 2013/14 to fully staff Fire Station 602; and a budget transfer in the amount of \$918,696 from the FY 2013/14 General Fund Operating Contingency to the Fire Department’s General Fund Operating budget for overtime to cover the current gap, partial year cost of the new firefighter positions, and training academy costs. (Annualized amount of \$814,315 beginning in FY 2014/15).

OR

B. A budget transfer in the amount of \$770,477 from the General Fund Operating Contingency to the Fire Department's General Fund Operating budget to fully staff Fire Station 602 using overtime dollars, with an ongoing increase of \$1,195,447 to the Fire Department overtime budget beginning in FY 2014/15, for a total of \$1,687,755 in constant staffing overtime.

Presenter(s): Lee Guillory, Acting City Treasurer; Tom Shannon, Fire Chief

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1892, tshannon@scottsdaleaz.gov

22. [Police Compensation Plan](#)

– **Councilman Littlefield made a motion to adopt Resolution No. 9525. Councilman Phillips seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Korte, Milhaven, and Robbins dissenting.**

– **Councilwoman Milhaven made a motion to direct staff to: (1) continue to look at all positions, (2) provide data that supports being within the market for all positions, and (3) consider the impact of the current maximums and where the maximums should be to keep the City within market. Motion died for lack of a second.**

– **Councilmember Korte made a motion to: (1) adopt Resolution No. 9525 authorizing a budget transfer in the amount of \$642,652 from the FY 2013/14 General Fund Operating Budget to address compression issues in the Police Department; and (2) direct staff to come back to Council with a better approach for compensation for civilian and non-sworn individuals within the Police Department. Councilman Robbins seconded the motion, which carried 6/1 with Councilman Littlefield dissenting.**

Request: Adopt **Resolution No. 9525** authorizing a budget transfer in the amount of \$1,800,000 from the FY 2013/14 General Fund operating unencumbered \$2,500,000 macro level appropriation specifically designated for Public Safety compensation to the Public Safety and Public Safety-Police General Fund operating budgets.

Presenter(s): Alan Rodbell, Public Safety Executive Director

Staff Contact: Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@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. **Speakers are limited to three minutes to address the Council during "Public Comment."**

CITIZEN PETITIONS

ITEM 23

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.

23. **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

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Mayor and Council Items – **None**

Adjournment – **10:34 P.M.**