

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

## **MEETING NOTICE AND AGENDA**



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### **COUNCIL**

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

Linda Milhaven  
Guy Phillips  
Dennis E. Robbins

**Monday, December 9, 2013**

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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 may be continued to either December 10, 2013 or January 14, 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 – Junior Girl Scout Troop 1316**

**Invocation – Mayor Lane requested a moment of silence.**

**Mayor's Report – None**

**City Manager's Report – None**

**Presentations/Information Updates – None**

**Public Comment – Madeline Sobek, Notre Dame Preparatory, commented on the need for a stoplight at 136<sup>th</sup> Street and Via Linda.**

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."**



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).

## MINUTES

**Request:** Approve the [Special Meeting Minutes of November 1, 2013](#), [November 12, 2013](#), and [November 19, 2013](#); [Regular Meeting Minutes of November 12, 2013](#); and Executive Session Minutes of October 22 and November 12, 2013.

**– Councilwoman Klapp made a motion to approve the Special Meeting Minutes of November 1, 2013, November 12, 2013, and November 19, 2013; Regular Meeting Minutes of November 12, 2013; and Executive Session Minutes of October 22 and November 12, 2013. Councilwoman Milhaven seconded the motion, which carried 7/0.**

## CONSENT AGENDA      ITEMS 1-8

**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.

**– Vice Mayor Korte made a motion to approve Consent Items 1 through 8. Councilman Phillips seconded the motion, which carried 7/0.**

- 1. [Windgate Ranch-Parcel C Replat \(9-PP-2004#2F\)](#) – **Approved on Consent.****  
**Request:** Approve the replat of Windgate Ranch, Phase 2, Plat E (Parcel C) consisting of 33 lots on approximately 10.9 acres within the Master Planned Community of Windgate Ranch located on the north side of East Puerta del Viento Road west of North Thompson Peak Parkway.  
**Location:** East Puerta del Viento Road  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- 2. [Penalties and Enforcement Text Amendment \(6-TA-2013\)](#) – **Approved on Consent.****  
**Request:** Adopt **Ordinance No. 4121** approving a text amendment of the City of Scottsdale Zoning Ordinance No. 455 to amend Article I (Administration and Procedures) and Article III (Definitions) for the purpose of revising the penalties and procedures in conformance with State law; allowing flexibility in penalty violation; clarifying the minimum penalty; revising the mandated 10-day arraignment to a schedule authorized by the Court; conforming with current practices governed by the Arizona Rules for Civil Traffic and Boating Cases; clarifying the authority to issue civil complaints; and revising the definition of travel accommodation to incorporate a Zoning Administrator interpretation.  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- 3. [Capital Improvement and Facilities Projects On-Call Electrical Engineering Services Contract](#) – **Approved on Consent.****  
**Request:** Adopt **Resolution No. 9582** authorizing On-Call Engineering Services Contract No. 2013-185-COS with Kimley-Horn Associates, Inc., for one year, with the option to extend for four additional one-year periods.  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

4. **Special Event Sponsorship Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9580** authorizing Special Event Sponsor Agreement No. 2013-184-COS with WSL McDowell Village, LLC, for calendar year 2014.  
**Staff Contact(s):** William Murphy, Community Services Executive Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
5. **Stadium Improvements – Approved on Consent.**  
**Request:** Authorize the use of \$23,562 from the Stadium Facilities Capital Improvement Fund for upgrades to the visitor's clubhouse and stadium public address system.  
**Staff Contact(s):** William Murphy, Community Services Executive Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
6. **Economic Development Strategic Plan Framework Contingency Transfer – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9593** authorizing a Fiscal Year 2013/14 General Fund Contingency Operating Budget transfer, in an amount not to exceed \$75,000, to be allocated to the Economic Development Department, Administration, Professional Services account for contract services and associated expenses related to the completion of a Comprehensive Economic Development Strategic Plan Framework.  
**Staff Contact(s):** Danielle Casey, Economic Development Director, 480-312-7601, [dcasey@scottsdaleaz.gov](mailto:dcasey@scottsdaleaz.gov)
7. **Legal Fees for Fenyves v. City of Scottsdale et al. – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9565** authorizing legal fees to be incurred in Contract No. 2011-011-COS with Jones, Skelton & Hochuli, PLC, in a total amount not to exceed \$210,000, for the defense of *Fenyves v. City of Scottsdale et al.*, Cause No. CV2010-025160, currently pending in Maricopa County Superior Court.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
8. **Streets Code Amendment – Approved on Consent.**  
**Requests:**
  1. Adopt **Resolution No. 9551** declaring "Streets Ordinance, Chapter 47 of the Scottsdale Revised Code" as a public record.
  2. Adopt **Ordinance No. 4113** revising Articles 1 through V of Chapter 47 (Streets, Sidewalks and Public Works Generally) of the Scottsdale Revised Code to revise regulations pertaining to acquiring improving, using, and disposing of public right-of-way.**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

## **REGULAR AGENDA**      **ITEMS 9-13**

**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.**

9. **Downside Risk Conditional Use Permit (13-UP-2013) – Councilwoman Milhaven made a motion to find that the conditional use permit criteria have been met and to adopt Resolution No. 9588 approving a Conditional Use Permit for live entertainment. Vice Mayor Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**

**Requests:** (1) Find that the conditional use permit criteria have been met: and (2) Adopt **Resolution No. 9588** approving a Conditional Use Permit for live entertainment for a 4,261± square-foot establishment with Central Business District, Planned Community District (C-2 PCD) zoning.

**Location:** 8989 N. Scottsdale Road, Suite 608

**Presenter(s):** Greg Bloemberg, Senior Planner

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

10. **Text Amendment Planned Commerce Park (1-TA-2009)**

– **Councilwoman Klapp made a motion to call the question. Mayor Lane seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**

– **Councilwoman Milhaven made a motion to adopt Resolution No. 9585 declaring “1-TA-2009, P.C.P. Planned Airpark Core Development Text Amendment” as a public record and adopt Ordinance No. 4120 approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Section 5.4000 Planned Airpark Core Development (PCP). Vice Mayor Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**

**Requests:**

1. Adopt **Resolution No. 9585** declaring “1-TA-2009, P.C.P. Planned Airpark Core Development Text Amendment” as a public record.
2. Adopt **Ordinance No. 4120** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Section 5.4000 Planned Airpark Core Development (PCP), including sections 5.4001. through 5.4006., and Article X. (Landscaping Requirements), Sections 10.402. (Landscape Requirements by Zoning District) and 10.602. (Buffer Requirements by Zoning District).

**Presenter(s):** Don Hadder, Principal Planner

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

11. **East Belleview Street Property Acquisition**

– **Councilman Robbins made a motion to adopt Resolution Nos. 9595 and 9594.**

**Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**

– **Councilman Littlefield made an alternate motion to adopt Resolution Nos. 9595 and 9594, with a stipulation that the property will be sold and not kept by the City. Councilman Phillips seconded the motion which failed 2/5, with Mayor Lane; Vice Mayor Korte; and Councilmembers Klapp, Milhaven, and Robbins dissenting.**

**Request:** Presentation, discussion, and possible action and/or direction to staff regarding options for meeting the corrective action delineated by the U.S. Department of Housing and Urban Development (HUD) in its finding of non-compliance regarding the property located at 7234 E. Belleview Street. As part of its discussion, Council may consider whether to adopt:

1. **Resolution No. 9595** authorizing the City to acquire the property at 7234 E. Belleview Street from Community Services of Arizona, Inc., through a Deed in Lieu of foreclosure; **AND/OR**
2. **Resolution No. 9594** authorizing a contingency fund transfer from the FY 2013/14 General Fund Operating Budget contingency to the Community Services Division for the purpose of reimbursing the City’s local Community Development Block Grant Program Account and Line of Credit in the amount of \$351,588 to resolve findings made by HUD.

**Location:** 7234 E. Belleview Street

**Presenter(s):** William Murphy, Community Services Executive Director

**Staff Contact(s):** William Murphy, Community Services Executive Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)

12. [Establish Uasin Gishu, Kenya as a Sister City](#) – Councilwoman Klapp made a motion to adopt Resolution No. 9592 endorsing a Sister City partnership with the County of Uasin Gishu, Kenya. Vice Mayor Korte seconded the motion, which carried 7/0.

**Request:** Adopt Resolution No. 9592 endorsing a Sister City partnership with the County of Uasin Gishu, Kenya.

**Presenter(s):** Brad Lundahl, Government Relations Director

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

13. [Proposed Fiscal Year 2014/15 Key Capital Budget Issues](#) – Public Works Executive Director Dan Worth presentation

**Requests:**

1. Presentation by Public Works Executive Director Dan Worth regarding key issues in the development of the City's Fiscal Year 2014/15 Capital Improvement Plan budget, including addressing aging infrastructure.
2. Provide possible direction to staff regarding the City's proposed Fiscal Year 2014/15 Capital Improvement Plan budget.

**Presenter(s):** Daniel Worth, Public Works Executive Director

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

#### **Public Comment – None**

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## **CITIZEN PETITIONS**

### **ITEM 14**

**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.

14. **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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjournment – 6:57 P.M.**