

SCOTTSDALE

CITY COUNCIL MEETING



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

[REWORDED ITEM No. 13]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, February 25, 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 (March 4, 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 (Councilman Littlefield arrived at 5:12 P.M.)

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 – Webelos Pack 344, Leader Michael Franks

Invocation – Mayor Lane requested a moment of silence.

Mayor's Report – Mayor Lane reported that Scottsdale city leaders will work closely with Google Fiber in a joint planning process to determine what it would take to expand new fiber-optic network to valley residents. The new network delivers ultra-high speed internet, along with hundreds of high-definition TV channels.

– Councilman Littlefield arrived at 5:12 P.M.

City Manager's Report – 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 – Darlene Petersen commented on the City’s Best Run City Award. Marc Stevens asked the Council if they believe the State’s constitutional laws and local rules and regulations apply to him for no other reason than he is physically in Scottsdale. Mike Aloisi commented on the importance of public safety.

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 [Special Meeting Minutes of January 27, 2014](#) and [February 4, 2014](#); [Regular Meeting Minutes of January 27, 2014](#) and [February 4, 2014](#); and Executive Session Minutes of January 27, 2014 and February 4, 2014.

– Councilman Robbins made a motion to approve the Special Meeting Minutes of January 27, 2014 and February 4, 2014; Regular Meeting Minutes of January 27, 2014 and February 4, 2014; and Executive Session Minutes of January 27, 2014 and February 4, 2014. Vice Mayor Korte seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-25

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 25, absent Item 22, which was moved to the Regular Agenda. Councilman Phillips seconded the motion, which carried 7/0.

1. **[Pinnacle Peak Patio and Pinnacle Peak Brewing Co. Liquor License \(3-LL-2014\)](#) – Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for existing series 6 (bar) and Series 3 (domestic microbrewery) State liquor licenses.

Location: 10426 E. Jomax Road

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

2. **[Miller’s Liquor License \(4-LL-2014\)](#) – 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 an existing location with a new owner.

Location: 20511 N. Hayden Road, Suite 100

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

3. **[Pizza Me! Liquor License \(5-LL-2014\)](#) – 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 an existing location with a new owner.

Location: 9619 N. Hayden Road, Suites A-101 and A-102

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

4. **[Akita Sushi Liquor License \(6-LL-2014\)](#) – 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 an existing location with a new owner.

Location: 9011 E. Via Linda

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

5. **[The Standard Liquor License \(7-LL-2014\)](#) – 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 an existing location with a new owner.

Location: 10050 N. Scottsdale Road, Suite 127

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

6. **[Permanent Extension of Premises for Oregano's Pizza Bistro \(2-EX-2014\)](#) – 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 12 (restaurant) State liquor license.

Location: 7215 E. Shea Boulevard

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

7. **[Foothills Community Foundation Bingo Application \(1-BI-2014\)](#) – Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Revenue for a bingo license for Foothills Community Foundation.

Location: 34520 N. 60th Street, Building B

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

8. **[Diamante Non-Major General Plan Amendment and Rezoning \(9-GP-2013 and 16-ZN-2013\)](#) – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 9642** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Land Use Designation Map from the Mixed-Use Neighborhoods land use designation to the Urban Neighborhoods land use designation on an 11± acre site for Case No. 9-GP-2013.
2. Adopt **Ordinance No. 4139** approving a zoning district map amendment from Highway Commercial (C-3) and General Commercial (C-4) zoning to Multiple-Family Residential (R-5) zoning; and finding that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on an 11± acre site for Case No. 16-ZN-2013.

Location: 6525 E. Thomas Road

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

9. **[Eldorado on First Rezoning \(17-ZN-2013\)](#) – Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4131** approving a zoning district map amendment from Service Residential Downtown Overlay (S-R DO) and Multiple-Family Residential Downtown Overlay (R-5 DO) zoning to Downtown/Downtown Multiple Use-Type 2, Planned Block Development Overlay, Downtown Overlay (D/DMU-2 PBD DO) zoning and a Development Plan; and determining that the Planned Block Development Overlay criteria have been met and that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 28,092± square-foot site.

2. Adopt **Resolution No. 9621** declaring as a public record that certain document entitled "Eldorado on First Development Plan, 17-ZN-2013."

Location: 6901, 6903, 6905, 6907, 6909, 6911, 6913, and 6915 East 1st Street

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

10. **[SB 1103 Charter Schools Text Amendment \(7-TA-2013\)](#) – **Approved on Consent.****

Requests:

1. Adopt **Ordinance No. 4140** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Article V. (District Regulations) for the propose of updating land use regulations for Charter Schools.
2. Adopt **Resolution No. 9643** declaring as a public record that certain document entitled "Zoning Ordinance Text Amendment-Charter Schools-7-TA-2013."

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

11. **[Capital Improvement Project Budget Transfer](#) – **Approved on Consent.****

Request: Adopt **Resolution No. 9634** authorizing CIP budget appropriation transfer from the CAP Gravity Thickener Project W1301, in the amount of \$1,360,180, to the Booster Station Upgrades CIP Project W9903 that is to be funded by water rates.

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

12. **[Thompson Peak Parkway and Paradise Lane Intersection Project General Fund Capital Contingency Budget Appropriation Transfer](#) – **Approved on Consent.****

Request: Adopt **Resolution No. 9663** to authorize:

1. FY 2013/14 General Fund Capital Contingency budget appropriation transfer, in the amount of \$110,117, to be funded by contributions from the McDowell Mountain Ranch Community Facilities District.
2. Budget transfer from CIP Project 410-YA19A, Intersection Mobility Enhancements in the amount of \$180,833 that will be funded by the Transportation Sales Tax, for a total of \$290,950, to a newly created capital improvement project to be titled Thompson Peak Parkway and Paradise Lane Intersection Improvements to record all financial transactions.

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

13. **[Vehicle Grant Funds Transfer Intergovernmental Agreement](#) – **Approved on Consent.*

Request: Adopt **Resolution No. 9644** to authorize:

1. Intergovernmental Agreement No. 2014-016-COS with Valley Metro to transfer insurance proceeds in the amount of \$238,585.29 that the City received as compensation for a federally funded transportation vehicle that was declared to be totaled.
2. Valley Metro to use the transferred \$238,585.29 and \$198,295.71 of the City's portion of the Transit Life Cycle Funding from the Proposition 400 transportation tax towards purchase of replacement vehicles for the City.
3. A budget transfer of \$238,586 from the adopted FY 2013/14 Future Grants Budget and/or Grants Contingency Budget and the creation of a new cost center to record the related grant activity.

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

14. **[Water Storage Agreement](#) – **Approved on Consent.****

Request: Adopt **Resolution No. 9633** authorizing Agreement No. 2014-014-COS with Central Arizona Water Conservation District to store the City's unused Central Arizona Project water allocation at the Tonopah Desert Recharge Project facility.

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

15. **Scottsdale Professional Rodeo Cowboys Association Champions Challenge Event – Approved on Consent.**
Request: Adopt **Resolution No. 9648** to authorize:
 1. Funding, not to exceed \$75,000, from the City portion of bed tax allocated toward event development for the “Scottsdale Professional Rodeo Cowboys Association Champions Challenge” event.
 2. New Event Funding Agreement No. 2014-020-COS with Parada del Sol, Inc.**Staff Contact(s):** Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov
16. **Parada del Sol Rodeo WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9651** authorizing Contract No. 2014-023-COS with Parada del Sol, Inc., to utilize WestWorld’s Equestrian Facilities to produce the Parada del Sol Rodeo.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
17. **Audit Committee Recommendation for Airport Advisory Commission Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 9652** accepting the Audit Committee’s recommendation and authorizing continuation of the Airport Advisory Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
18. **Audit Committee Recommendation for Trails Subcommittee Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 9653** accepting the Audit Committee’s recommendation and authorizing continuation of the Trails Subcommittee.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
19. **Fenyves v. City of Scottsdale Settlement – Approved on Consent.**
Request: Adopt **Resolution No. 9658** authorizing settlement in the amount of \$420,000 of Allan Fenyves’ negligence lawsuit against the City entitled *Fenyves v. City of Scottsdale, et al.*, Case No. CV 2010-025160, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
20. **Water and Wastewater 2014 Impact Fee Report and Code Amendments – Approved on Consent.**
Requests:
 1. Adopt **Resolution No. 9620** declaring as public records those certain documents entitled “2014 Impact Fee Report” and “Water and Wastewater Development Fees Ordinance of the City of Scottsdale.”
 2. Adopt **Ordinance No. 4130** adopting the 2014 Impact Fee Report, the newly modified development fees, and amending the Scottsdale Revised Code, Chapter 49 (Water, Sewers, and Sewage Disposal), by repealing existing Chapter 49, Article III, Sections 49-71 through 49-76, and adopting in its place the Water and Wastewater Development fees Ordinance, Chapter 49, Article III, Sections 49-71 through 49-90, which comply with the legislative changes required by ARS §9-463.05, effective July 1, 2014.
 3. Adopt **Ordinance No. 4137** amending Section 49-19 (F), relating to water and wastewater development fees, to provide clarification to certain conditions of service, effective April 1, 2014.
 4. Adopt **Ordinance No. 4138** adopting Section 49-27, relating to water and wastewater development fees, to prohibit manifold meters, effective April 1, 2014.**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

21. **Private Parking Towing Code Amendment – Approved on Consent.**
Request: Adopt **Ordinance No. 4136** amending Article V, by deleting Sections 17-123 through 17-123.5, and adding Article X, Sections 17-360 through 17-372 to Chapter 17 (Motor Vehicles and Traffic) to the Scottsdale Revised Code for the regulation of private property towing.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov
22. **Pedalbus Code Amendment – Mayor Lane made a motion to adopt Ordinance No. 4135, with a change in the hours to Section 17-385(a)(14) to make it unlawful for an operator to operate a pedalbus between 11:00 P.M. and 6:00 A.M. the next morning. Councilman Robbins seconded the motion, which carried 6/1, with Councilman Littlefield dissenting.**
Request: Adopt **Ordinance No. 4135** adding Article XI, Sections 17-380 through 17-392 to Chapter 17 (Motor Vehicles and Traffic) to the Scottsdale Revised Code for the regulation of pedalbuses.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov
23. **Public Nuisance and Property Maintenance Code Amendment – Approved on Consent.**
Requests:
1. Adopt **Resolution No. 9626** declaring as a public record that certain document entitled “Amendments to Chapter 18, Public Nuisance and Property Maintenance, of the Scottsdale Revised Code.”
2. Adopt **Ordinance No. 4133** amending Chapter 18 (Public Nuisance and Property Maintenance) of the Scottsdale Revised Code to provide a more effective code and enhance public safety.
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
24. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2013/14 Monthly Financial Report as of November 2013.
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov
25. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2013/14 Monthly Financial Report as of December 2013.
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov

REGULAR AGENDA ITEMS 26-27

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.**

26. **Presiding City Judge Employment Agreement – Mayor Lane made a motion to adopt Resolution No. 9655 authorizing Employment Agreement No. 2014-025-COS with Judge Olcavage, who was reappointed Presiding City Judge for a four-year term effective March 9, 2014. Vice Mayor Korte seconded the motion, which carried 4/3, with Councilmembers Littlefield, Phillips, and Robbins dissenting.**
Request: Adopt **Resolution No. 9655** authorizing Employment Agreement No. 2014-025-COS with Judge Olcavage, who was reappointed Presiding City Judge for a four-year term effective March 9, 2014.
Presenter(s): Bruce Davis, Human Resources Executive Director
Staff Contact(s): Bruce Davis, Human Resources Executive Director, 480-312-2615, bdavis@scottsdaleaz.gov

27. **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 January 2014.

Presenter(s): Jeff Nichols, City Treasurer

Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEM 28

28. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for March 18, 2014)**

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Human Relations Commission (*two vacancies*) – **Councilman Phillips nominated James Campbell; Councilman Robbins nominated Ragan Grossman; Mayor Lane nominated Janice Johnson; and Vice Mayor Korte nominated Robin Murphy.**

Industrial Development Authority (*one vacancy*) – **There were no applicants for this board.**

Library Board (*one vacancy*) – **Mayor Lane nominated Halette Fealey; Councilwoman Klapp nominated Christine Naiman; and Councilman Robbins nominated Dierk Seeburg.**

Loss Trust Fund Board (*one vacancy*) – **There were no applicants for this board.**

Neighborhood Advisory Commission (*two vacancies*) – **Mayor Lane nominated Jordan Ledbetter.**

Personnel Board (*one vacancy*) – **There were no applicants for this board.**

Transportation Commission (*one vacancy*) – **Councilwoman Klapp nominated Barry Graham.**

Note: The only Council action to be taken on Item No. 28 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

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 29

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.

29. **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 – 6:01 P.M.