

SCOTTSDALE

CITY COUNCIL MEETING

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



COUNCIL

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

Linda Milhaven
Guy Phillips
Dennis E. Robbins

Wednesday, July 2, 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 (August 18, 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).

Mayor Lane welcomed members of the Daughters of the American Revolution, Grand Canyon Chapter. Katie Paulson, Chapter Regent, shared the American Creed in spirit of Independence Day.

Pledge of Allegiance – Scottsdale Youth Corps Volunteers

Invocation – Pastor Troy Peterson, Scottsdale Bible Church

Mayor's Report – Mayor Lane reported that Mr. Henry Glaudel, who represents 97 members of the Military Order of the Purple Heart, Chapter 790, had contacted the Council and asked to have Scottsdale proclaimed a Purple Heart City. Mayor Lane read a proclamation declaring Scottsdale a Purple Heart City and said Mr. Glaudel plans to take the proclamation to his next VFW Hall meeting.

Presentations/Information Updates – None

Public Comment – 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).

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."**

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 will be continued to a future date.

A1. Added Items

The supporting materials for Item No. 12 will be 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 to continue the added item(s) to the August 18, 2014 Council meeting.

– Councilwoman Klapp made a motion to accept the agenda as presented. Councilman Robbins seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-13

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 Items 1 through 13. Councilmember Korte seconded the motion, which carried 7/0.

1. 2014 Edward Byrne Memorial Justice Assistance Grant – **Approved on Consent.**

Request: Adopt **Resolution No. 9787** to authorize:

1. Contract No. 2014-078-COS with Maricopa County to accept the City's portion of the 2014 Edward Byrne Memorial Justice Assistance Grant in the amount of \$30,448 to hire a part-time property and evidence technician to more expeditiously dispose of property eligible for destruction/disposal.
2. Budget transfer in the amount of \$30,448 from the FY 2014/15 Future Grants Budget to the grant center established to record the related grant activity.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdale.gov

2. Firefighter Portable Radios Grant – **Approved on Consent.**

Request: Adopt **Resolution No. 9808** to authorize:

1. Acceptance of an Assistance to Firefighter Grant in the amount of \$216,500, that includes a 10 percent cost share, to purchase 25 portable radios.
2. Budget transfer in the amount of \$216,500 from the adopted FY 2014/15 Future Grants Budget and/or the Grant Contingency Budget; and the creation of a new cost center to record the related grant activity. The 10 percent cost share of \$21,650 will be met through the Fire Radio Replacement CIP Project approved by Council on May 13, 2014, Resolution No. 9754.

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

3. **2014 Halloween Haunted House WestWorld Event Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9813** authorizing Contract No. 2014-086-COS with Haunt Holdings, LLC, to produce the Rob Zombie Great American Nightmare Haunted House event at the WestWorld Facility.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
4. **In-Building Radio Distribution Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9719** authorizing In-Building Radio Distribution Agreement No. 2014-046-COS with Verizon Wireless for improving wireless coverage at the North Water Campus.
Staff Contact(s): Brad Hartig, Information Technology Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov
5. **General Plan Task Force Bylaws Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 9820** amending the Scottsdale General Plan Task Force bylaws.
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
6. **Clark, et al., v. Spano, et al., Legal Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9814** authorizing Legal Services Contract No. 2014-012-COS-A1 with the law firm of Struck Wieneke and Love, in an amount not to exceed \$275,000, for the City's legal defense of *Clark, et al., v. Spano, et al.*, Case No. CV2013-001476, currently pending in Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
7. **Grooms v. City of Scottsdale Settlement – Approved on Consent.**
Request: Adopt **Resolution No. 9819** authorizing settlement in the amount of \$62,000 of Angela Grooms' and Wendlyn W. Grooms' negligence lawsuit against the City entitled *Grooms v. City of Scottsdale, et al.*, Case No. CV2012-092868, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
8. **Service Enhancement Fee – Approved on Consent.**
Request: Adopt **Resolution No. 9815** affirming the adoption of Ordinance No. 4152 relating to a Service Enhancement Fee.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
9. **Document Review and Analysis Software General Fund Capital Contingency Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 9822** authorizing a transfer in the amount of \$88,858 from the adopted FY 2014/15 General Fund Capital Contingency Budget to Capital Project JAO1A to be used to purchase document review and analysis software.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
10. **City Manager Line of Succession – Approved on Consent.**
Request: Adopt **Resolution No. 9774** appointing a line of succession of persons to serve as acting city manager in the event the city manager is unable to perform the duties of the office, and repealing Resolution No. 8755.
Staff Contact(s): Brent Stockwell, Strategic Initiatives Director, 480-312-7288, bstockwell@scottsdaleaz.gov

11. **Stadium Facilities Capital Improvement Fund – Approved on Consent.**
Request: Authorize use of \$250,000 from the Stadium Facilities Capital Improvement Fund for upgrades to the Scottsdale Stadium. The improvements include expanding the concourse area along the 3rd baseline and reconfiguring Gate F to improve the pedestrian circulation within the concourse area.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
12. **Fiscal Year 2013/14 Budget Adjustments – Approved on Consent.**
Request: Adopt **Resolution No. 9821** authorizing FY 2013/14 budget adjustments.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
13. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2013/14 Monthly Financial Report as of May 2014.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 14-16

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.**

*****Public Comment Note:** Item Nos. 14 and 15 will be presented together. Speakers will be given one opportunity to address the Council on one or both items.

14. **Livewire/Bottled Blonde (aka Axis/Radius) Conditional Use Permit (17-UP-2012#2) – Councilwoman Klapp made a motion to: (1) find that the conditional use permit criteria have been met and adopt Resolution No. 9765 approving an amendment to an existing conditional use permit for a bar to add 669± square feet of indoor floor area and a 542± square-foot second floor balcony, and to expand the hours of operation for weekends, for a 19,397± square-foot space with Central Business District, Parking District, Downtown Overlay zoning; and (2) find that the conditional use permit criteria have been met and adopt Resolution No. 9733 approving an amendment to an existing conditional use permit for live entertainment to add 669± square feet of indoor floor area and a 542± square-foot second floor balcony to a 19,397± square-foot space, and to add live entertainment to the east tenant (Bottled Blonde), with Central Business District, Parking District, Downtown Overlay zoning. Councilmember Korte seconded the motion, which carried 5/2, with Vice Mayor Phillips and Councilman Littlefield dissenting.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 9765** approving an amendment to an existing conditional use permit for a bar to add 669± square feet of indoor floor area and a 542± square-foot second floor balcony, and to expand the hours of operation for weekends, for a 19,397± square-foot space with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO) zoning for Case No. 17-UP-2012#2.
Location: 7320 and 7340 E. Indian Plaza
Presenter(s): Greg Bloemberg, Planner
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

15. **Livewire/Bottled Blonde (aka Axis/Radius) Conditional Use Permit (61-UP-1997#3) – The motion and vote for Item 15 were included in the motion and vote on Item 14.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 9733 approving an amendment to an existing conditional use permit for live entertainment to add 669± square feet of indoor floor area and a 542± square-foot second floor balcony to a 19,397± square-foot space, and to add live entertainment to the east tenant (Bottled Blonde), with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO) zoning for Case No. 61-UP-1997#3.
Location: 7320 and 7340 E. Indian Plaza
Presenter(s): Greg Bloemberg, Planner
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
16. **Preserve Jeep Tour Permits and Bed Tax Funding**
– **Councilman Robbins made a motion to approve Resolution No. 9824 authorizing a transfer, not to exceed \$30,000, from the adopted FY 2014/15 Tourism Development Fund Contingency Budget to be funded from bed tax allocated for Capital Projects, Events/Event Development or Administration/Research, to be used to expedite solicitation and processing of applications for Outfitter-Guide permits in the Mesa/Cave Creek area of the Tonto National Forest and extend the special use permit process for one additional year (2014/15 season) for Commercial Guided Tours – Motorized (Jeep tours) in the McDowell Sonoran Preserve for the four outfitters selected for the 2013/14 season. Councilwoman Milhaven seconded the motion, which carried 4/3, with Vice Mayor Phillips and Councilmembers Korte and Littlefield dissenting.**
– **Vice Mayor Phillips made an alternate motion to extend the special use permit for one additional year for commercial guided tours in the McDowell Sonoran Preserve for the four outfitters selected for the 2013/14 season and to include any additional applicants. Councilman Littlefield seconded the motion, which failed 2/5, with Mayor Lane and Councilmembers Klapp, Korte, Milhaven, and Robbins dissenting.**
Requests:
1. Approve **Resolution No. 9824** authorizing a transfer, not to exceed \$30,000, from the adopted FY 2014/15 Tourism Development Fund Contingency Budget to be funded from bed tax allocated for Capital Projects, Events/Event Development or Administration/Research, to be used to expedite solicitation and processing of applications for Outfitter-Guide permits in the Mesa/Cave Creek area of the Tonto National Forest.
2. Extend the special use permit process for one additional year (2014/15 season) for Commercial Guided Tours – Motorized (Jeep tours) in the McDowell Sonoran Preserve for the four outfitters selected for the 2013/14 season.
Presenter(s): Kroy S. Ekblaw, Preserve Director
Staff Contact(s): Kroy S. Ekblaw, Preserve Director, (480)312-7064, kekblaw@scottsdaleaz.gov

Public Comment – None

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CITIZEN PETITIONS

ITEM 17

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.

17. 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 – 6:10 P.M.