

SCOTTSDALE

CITY COUNCIL MEETING



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

**[ADDED ITEM No. A1 AND CONSENT ITEM No. 26A; AND REWORDED
CONSENT ITEM NOS. 23 AND 24]**

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Monday, August 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 (September 9, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:09 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 – Councilman Littlefield

Invocation – Mayor Lane asked for a moment of silence in remembrance of American journalist James Foley, who was recently killed in Iraq.

Mayor's Report – None

Presentations/Information Updates – None

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 comment 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).

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**

Consent Item No. 26A was added to the agenda on August 21, 2014.

Request: Vote to accept the agenda as presented or continue the added item to the next scheduled Council meeting, which is September 9, 2014.

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

CONSENT AGENDA ITEMS 1-26A

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.

– Councilmember Korte made a motion to approve Consent Items 1 through 26A, absent items 11 and 19. Councilwoman Klapp seconded the motion, which carried 7/0.

1. **Bungalow Bar and Grill Liquor License (22-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: 4360 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **No Name Saloon Liquor License (66-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 7419 E. Indian Plaza, Suite B
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Vom Fass Liquor License (72-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 9 (liquor store) State liquor license for a new location and owner.
Location: 7135 E. Camelback Road, Suite 145
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Vom Fass Liquor License (76-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9S (liquor store sampling privileges) State liquor license for a new location and owner.
Location: 7135 E. Camelback Road, Suite 145
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Burger n’ Fries Liquor License (73-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: 10392 N. Scottsdale Road, Suite 107
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **American Junkie Liquor License (74-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 4363 N. 75th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Walgreens Store No. 04507 Liquor License (75-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 9 (liquor store) State liquor license for an existing location and owner.
Location: 15025 N. Thompson Peak Parkway
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **Goldwater Brewing Co. Liquor License (77-LL-2014) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 3 (microbrewery) State liquor license for a new location and owner.
Location: 3608 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Lighting Text Amendment (4-TA-2014) – Approved on Consent.**
Request: Adopt **Ordinance No. 4163** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455, Article III. Definitions; Article VI. Supplemental Districts, including Foothills Overlay; and Article VII. General Provisions, including Sections 7.600 through 7.604, to revise regulations related to lighting, including but not limited to regulating light shielding, glare, light intensity, and address regulations related to watts and lumens. This proposal also includes standardizing terms and restructuring.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
10. **Development Review Board Approval Language Text Amendment (5-TA-2014) – Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4164** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455, Article I. Administration and Procedures, Article V. District Regulations, Article VI. Supplementary Districts, and Article VIII. Sign Requirements. This proposal is intended to correct inconsistent Development Review Board approval rules.
 2. Adopt **Resolution No. 9857** declaring “Zoning Ordinance Text Amendment – 5-TA-2014 Development Review Board Authority” to be a public record.**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

11. **Cake Nightclub In-Lieu Parking Credits (2-IP-2014) – Councilwoman Milhaven made a motion to continue the item to September 9, 2014. Councilwoman Klapp seconded the motion, which carried 5/2, with Vice Mayor Phillips and Councilman Littlefield dissenting.**
Request: Adopt **Resolution No. 9834** approving a request to participate in the In-Lieu Parking Program for ten in-lieu parking credits.
Location: 4426 N. Saddlebag Trail
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
12. **Scottsdale Healthcare Osborn Medical Center Perimeter Exception Final Plat (1-PE-2013) – Approved on Consent.**
Requests:
 1. Approve a seven-lot perimeter exception final plat on 38± acres.
 2. Adopt **Resolution No. 9828** authorizing Development Agreement No. 2014-113-COS with Scottsdale Healthcare Hospitals related to the Scottsdale Healthcare Osborn Medical Center Perimeter Exception Plat.**Location:** North of East Osborn Road, west and north of North Drinkwater Boulevard, east of North Scottsdale Road, and south of East 2nd Street.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
13. **El Regalo Final Plat (18-PP-2013) – Approved on Consent.**
Request: Approve the final plat for a 32-lot, single-family residential subdivision on a 14.4± acre site.
Location: Northeast corner of North Scottsdale Road and East Westland Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
14. **Intelligent Transportation Systems On-Call Engineering Services Contract Modification – Approved on Consent.**
Request: Adopt **Resolution No. 9842** authorizing On-Call Engineering Services Contract No. 2010-026-COS-A3 with Lee Engineering, LLC, for the fifth year option of the Intelligent Transportation Systems projects.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
15. **Storm Water Management On-Call Engineering Services Contract Modification – Approved on Consent.**
Request: Adopt **Resolution No. 9843** authorizing On-Call Engineering Services Contract No. 2010-141-COS-A3 with Cardno, Inc., for storm water management projects.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
16. **Preserve Trails Construction Services Job Order Contract Modifications – Approved on Consent.**
Request: Adopt **Resolution No. 9844** authorizing the following third option year job order contract modifications for Preserve trails construction services:
 1. Contract No. 2012-136-COS-A1 with Okanogan Trail Construction, Inc.
 2. Contract No. 2012-137-COS-A1 with YRU Contracting, Inc.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
17. **Youth Theater Lease Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9864** authorizing Youth Theater Lease Agreement No. 2014-134-COS with Scottsdale Community Players, dba Greasepaint Youth Theatre.
Location: 7020 E. 2nd Street
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

18. **Library Assistance Program – Approved on Consent.**

Request: Adopt **Resolution No. 9841** accepting new library material valued at \$323,542 from the FY 2014/15 Maricopa County Library District Assistance Program, as stipulated in Intergovernmental Agreement No. 2013-129-COS.

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

19. **Transit Service Intergovernmental Agreement – Removed at the request of staff and will be brought back at the September 9, 2014 Council meeting.**

Request: Adopt **Resolution No. 9816** to authorize:

1. Intergovernmental Agreement No. 2013-047-COS-A2 with the Regional Public Transportation Authority in the total amount of \$1,111,161 for fixed route and express bus service and East Valley Dial-a-Ride service, and accept a Federal Transit Administration “New Freedom” grant in the amount of \$100,000 (with a local match in the amount of \$100,000).
2. A budget transfer in the amount of \$100,000 from the adopted FY 2014/15 Future Grants Budget and/or Grant Contingency Budget, and the creation of a new cost center to record the related grant activity. (The \$100,000 local match amount is included in the FY 2014/15 adopted Transportation Fund operating budget.)

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

20. **State Gang Task Force Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 9832** authorizing Intergovernmental Agreement No. 2014-117-COS with the State of Arizona Department of Public Safety for participation in the State Gang Task Force.

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

21. **East Valley Gang and Criminal Information Fusion Center Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 9863** to authorize:

1. Rescinding and repealing the previous second amendment to Intergovernmental Agreement No. 2009-021-COS approved pursuant to Resolution No. 9772 on June 3, 2014 and identified as Intergovernmental Agreement No. 2009-021-COS-A2.
2. Intergovernmental Agreement No. 2009-021-COS-A3, a new second amendment to an intergovernmental agreement with various East Valley and other public agencies for the operation of the East Valley Gang and Criminal Information Fusion Center.

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

22. **Oversight Council on Driving or Operating Under the Influence Abatement Grant Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 9847** to authorize:

1. Grant Agreement No. 2014-119-COS with the Oversight Council on Driving or Operating Under the Influence Abatement, administered by the Arizona Governor’s Office of Highway Safety, in the amount of \$100,000 for overtime and associated expenses to enhance DUI enforcement and education throughout the City.
2. A budget transfer in the amount of \$100,000 from the adopted FY 2014/15 Future Grants and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.

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

***23. **Arizona Criminal Justice Information System Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 9858** authorizing Agreement No. 2014-123-COS with the Arizona Department of Public Safety for use of the Arizona Criminal Justice Information System for the purpose of evaluating the fitness of current or prospective licensees.

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

- ***24. [Arizona Criminal Justice Information System Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9850** authorizing Agreement No. 2010-041-COS-A1 with the Arizona Department of Public Safety for use of the Arizona Criminal Justice Information System for the purpose of evaluating the fitness of prospective employees, contract employees, and City volunteers.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
25. [Benefit Plan Documents and Summary Plan Descriptions Amendments](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9866** to:
1. Authorize the Mayor to execute amendments to the City of Scottsdale Cafeteria Plan and Health Care Plan documents.
2. Adopt and approve the City's medical benefit Summary Plan Descriptions.
3. Approve the Cigna Open Access Plus Summary Plan Description, reflecting that the Plan will pay 90% after deductible for complex imaging and physical therapy type services.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
26. [Jensen v. City of Scottsdale Settlement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9869** authorizing settlement in the amount of \$80,000 of the permanent disability portion of Deanna Jensen's worker's compensation claim against the City entitled *Jensen v. City of Scottsdale*, currently pending before the Industrial Commission of Arizona as Case No. 20020-840668.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
- ***26A. [Scottsdale Preparatory Academy WestWorld Event Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9872** authorizing Contract No. 2014-140-COS with Scottsdale Preparatory Academy, Inc., to practice and train on the West Polo Field at WestWorld, September 1, 2014 to September 18, 2014.
Staff Contact(s): Paul Katsenes, 480-312-2890, Tourism and Events Director, pkatsenes@scottsdaleaz.gov

REGULAR AGENDA ITEMS 27-28

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.**

27. [City of Scottsdale Unity Pledge](#) – **Councilmember Korte made a motion to adopt Resolution No. 9867 authorizing and directing the Mayor to sign the Unity Pledge on behalf of the City of Scottsdale. Mayor Lane seconded the motion, which carried 7/0.**
Request: At the request of Councilmember Korte, adopt **Resolution No. 9867** authorizing and directing the Mayor to sign the Unity Pledge on behalf of the City of Scottsdale. This item was added to the agenda by Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Robbins.
Presenter(s): Sharon Cini, Diversity Liaison
Staff Contact(s): Sharon Cini, Diversity Liaison, 480-312-2727, scini@scottsdaleaz.gov

28. **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 July 2014.

Presenter(s): Jeff Nichols, City Treasurer

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

MAYOR AND COUNCIL

ITEM 29

29. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for September 9, 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.

Airport Advisory Commission (*two vacancies*) – **Councilwoman Milhaven nominated Jim Fendley and Councilman Robbins nominated John “Brad” Berry and Stephen Ziomek.**

Building Advisory Board of Appeals (*two vacancies*) – **There were no applicants for this board.**

Development Review Board (*four vacancies: two design representative vacancies and two development representative vacancies*) – **Mayor Lane nominated Ali Fakh; Councilman Littlefield nominated Ted Luther; and Councilwoman Klapp nominated Paul Alessio, Matthew Mason, Joe Young, and Kelsey Young.**

Historic Preservation Commission (*one vacancy*) – **Mayor Lane nominated Alyssa Gerszewski.**

Library Board (*two vacancies*) – **Councilwoman Klapp nominated Christine Naiman; Councilmember Korte nominated Dana Braccia and Peggy Sharp-Chamberlain; and Councilman Littlefield nominated Hamilton Durning and Dierk Seeburg.**

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

McDowell Sonoran Preserve Commission (*one vacancy*) – **Councilmember Korte nominated Jace McKeighan.**

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

Planning Commission (*one vacancy*) – **Vice Mayor Phillips nominated Robert Cappel; Councilman Littlefield nominated Linda Whitehead; Councilwoman Milhaven nominate Paul Alessio; and Councilman Robbins nominated Ali Fakh.**

Note: The only Council action to be taken on Item No. 29 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 comment 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 30

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.

30. 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.