

SCOTTSDALE

CITY COUNCIL MEETING

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

Tuesday, October 21, 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 November 12, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 announced that Officer Dave Pubins is retiring after 22 years with the City and thanked him for his service.

Pledge of Allegiance – Brownie Troop 1146 and Junior Girl Scout Troop 1588, Leader Julie Ransom

Invocation – Pastor Jason Anderson, Living Word Bible Church

Mayor's Report – Mayor Lane wished the San Francisco Giants luck as they compete in the World Series.

Presentations/Information Updates

- **Junior Golf Association of Arizona Scottsdale City Championships – Executive Director Scott McNevin of the Junior Golf Association of Arizona gave an update on the Junior Golf Tournament, which was held at the McCormick Ranch Golf Course this year.**
Presenter(s): Scott McNevin, Executive Director



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 – David Smith commented on the content of a City newsletter.

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.”**

MINUTES

Request: Approve the [Regular Meeting Minutes of September 23, 2014](#).

– Councilmember Korte made a motion to approve the Regular Meeting Minutes of September 23, 2014. Councilwoman Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-21

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 Phillips made a motion to approve Consent Items 1 through 21, absent Item 8. Councilmember Korte seconded the motion, which carried 7/0.

1. [Aridus Wine Company Liquor License \(90-LL-2014\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 19 (tasting room) State liquor license for a new location and owner.
Location: 7173 E. Main Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [El Rancho Liquor License \(91-LL-2014\)](#) – **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 7 (beer and wine bar) State liquor license for an existing location with a new owner.
Location: 3030 N. 68th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Park Place Bar & Grill Liquor License \(92-LL-2014\)](#) – **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: 7373 Scottsdale Mall, Suite 6
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. [Spiga Cucina Italiana Liquor License \(93-LL-2014\)](#) – **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: 7500 E. Pinnacle Peak Road, Suite J125
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. **Scottsdale Baseball Stadium Liquor License (94-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 6 (bar) State liquor license for an existing location with a new owner.
Location: 7408 E. Osborn Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Permanent Extension of Premises for Maya Day and Nightclub (15-EX-2014) – Approved on Consent.**
Request: Considering forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 6 (bar) State liquor License.
Location: 7333 E. Indian Plaza
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Safeway No. 2032 Fuel Center Conditional Use Permit (1-UP-2014) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 9914 approving a Conditional Use Permit for a gas station in an existing shopping center with Highway Commercial (C-3) zoning.
Location: 10773 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning and Development Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Indoor Vehicle Leasing, Sales, or Rental in I-1 Text Amendment (6-TA-2014) – Item 8 was removed from the agenda at the request of the applicant.**
Request: Adopt **Ordinance No. 4173** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455, to amend Table 5.1803 (Land Use Table) in the Industrial Park District (I-1) to allow indoor vehicle leasing, sales, or rental in conjunction with restoration services, without outdoor display; and finding that the proposed zoning text amendment is consistent and conforms with the adopted General Plan.
Staff Contact(s): Randy Grant, Planning and Development Director, 480-312-2664, rgrant@scottsdaleaz.gov
9. **Archaeological Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 9845** authorizing the following contracts to provide archaeological services related to identification, protection, and documentation of cultural resources located within the City:
 1. Contract No. 2014-135-COS with Archaeological Consulting Services, Ltd.
 2. Contract No. 2014-136-COS with Desert Archaeology, Inc.
 3. Contract No. 2014-137-COS with Logan Simpson Design, Inc.**Staff Contact(s):** Randy Grant, Planning and Development Director, 480-312-2664, rgrant@scottsdaleaz.gov
10. **Shea Underpass Access at 124th Street In-Lieu Payment and Capital Budget Adjustment – Approved on Consent.**
Request: Adopt **Resolution No. 9896** authorizing:
 1. Acceptance of an in-lieu payment in the amount of \$63,000 from Shea 124th Investments, LLC.
 2. A FY 2014/15 capital budget adjustment in the amount of \$63,000 to change a funding source for the Shea Underpass Access at 124th Street Capital Project TB02A from the Transportation Sales Tax funding source to the In-Lieu Fees funding source.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

11. **Tony Nelssen Equestrian Center Expansion Capital Budget Reduction – Approved on Consent.**
Request: Adopt **Resolution No. 9931** authorizing a FY 2014/15 capital budget reduction in the amount \$380,000 to the Tony Nelssen Equestrian Center Expansion budget D1102 in the General Fund funding source.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
12. **Camelback Road and Hayden Road Wireless License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9817** authorizing License Agreement No. 2014-088-COS with New Cingular Wireless PCS, LLC (AT&T), permitting the installation and operation of a wireless site on City land.
Location: Southeast corner of Camelback Road and Hayden Road (Indian School Park)
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
13. **Public Access and Public Art Easements – Approved on Consent.**
Request: Adopt **Resolution No. 9925** authorizing the Water Resources Director to accept from Motorola Solutions, Inc., a public non-motorized access easement for the installation of a pedestrian path and a public art easement for the placement of public artwork.
Location: Southeast corner of Cattletrack Road and McDonald Drive
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
14. **DUI Enforcement and Education Grant – Approved on Consent.**
Request: Adopt **Resolution No. 9905** to authorize:
 1. Contract No. 2014-166-COS with the Arizona Governor’s Office of Highway Safety to accept a grant in the amount of \$100,000 for DUI enforcement and education overtime and associated expenses.
 2. A budget transfer in the amount of \$100,000 from the adopted FY 2014/15 Future Grants and/or Grant Contingency Budget to the GOHS/DUI Enforcement and Education Grant Budget.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
15. **Rugby Bowl Event – Approved on Consent.**
Request: Adopt **Resolution No. 9927** to authorize:
 1. Funding not to exceed \$65,000 from the City portion of bed tax allocated toward one-time commitment capital for tourism-related event administration for the Rugby Bowl Beauty and the Beast event.
 2. New Event Funding Agreement No. 2014-171-COS with The Rugby Bowl, LLC.**Staff Contact(s):** Paul Katsenes, Tourism and Events Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
16. **Taste of the NFL Event – Approved on Consent.**
Request: Adopt **Resolution No. 9928** to authorize:
 1. Funding not to exceed \$75,000 from the City portion of bed tax allocated toward one-time commitment capital for tourism-related event administration for the Taste of the NFL Party with a Purpose event.
 2. New Event Funding Agreement No. 2014-172-COS with Hungry Related Events dba Taste of the NFL.**Staff Contact(s):** Paul Katsenes, Tourism and Events Director, 480-312-2890, pkatsenes@scottsdaleaz.gov

17. [WestWorld Event Contract Assignment – Approved on Consent.](#)
Request: Adopt **Resolution No. 9915** authorizing the East Valley Arabian Horse Association to assign its interest in WestWorld Event Contract No. 2013-182-COS to the Valley of the Sun Arabian Horse Association to allow the Valley of the Sun Arabian Horse Association to become the sole event producer and to change the name of the event to the Desert Classic All Arabian Horse Show.
Staff Contact(s): Paul Katsenes, Tourism and Events Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
18. [Jage, et al. v. City of Scottsdale, et al. Settlement – Approved on Consent.](#)
Request: Adopt **Resolution No. 9926** authorizing settlement in the amount of \$475,000 of Michael Jage and Marquie Jage's negligence lawsuit against the City entitled *Jage, et al. v. City of Scottsdale, et al.*, Case No. CV2011-098081, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
19. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2014/15 Monthly Financial Report as of August 2014.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
20. [Aviation Code Amendment – Approved on Consent.](#)
Request: Adopt **Ordinance No. 4171** amending Scottsdale Revised Code, Chapter 5, Sections 5-101, 5-351, 5-352, 5-354, and 5-356 through 5-361, and adding Sections 5-109.1 and 5-362, relating to the Airport Appeals Board, obstructions at the Airport, and updated noise sensitive uses.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
21. [Scottsdale Airport Aviation Business Center Lease Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 9883** authorizing Lease Agreement No. 2014-145-COS with Ciao Baby Catering, LLC, for commercial office space at the Scottsdale Airport Aviation Business Center.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov

REGULAR AGENDA ITEMS 22-26

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.**

22. [Scottsdale Airport Restaurant Lease Amendment – Councilman Littlefield made a motion to adopt Resolution No. 9840, with Option A. Councilwoman Klapp seconded the motion, which carried 6/1, with Councilwoman Milhaven dissenting.](#)
Request: Adopt **Resolution No. 9840** authorizing Contract No. 2011-121-COS-A1, the first amendment to the airport restaurant lease agreement with Ciao Baby Catering, LLC, dba Zulu Caffè.
Presenter(s): Gary Mascaro, Aviation Director
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
23. [WestWorld Paving Improvements General Fund Capital Contingency Budget Transfer – Councilman Robbins made a motion to adopt Resolution No. 9919. Councilman Littlefield seconded the motion, which carried 6/1, with Councilwoman Milhaven dissenting.](#)
Request: Adopt **Resolution No. 9919** authorizing a FY 2014/15 General Fund Capital Budget Contingency transfer in the amount of \$168,100 to a newly created capital project titled WestWorld Paving Improvements.
Presenter(s): Dan Worth, Public Works Executive Director
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

24. **Municipal Property Corporation Bond Issuance – Councilman Littlefield made a motion to adopt Resolution No. 9903. Councilman Robbins seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 9903** to authorize:
1. The Mayor to execute and the City Clerk to attest an agreement with Scottsdale Municipal Property Corporation providing for financing in an amount not to exceed \$16.4 million in one or more series as tax-exempt and/or taxable bonds for the following public improvements (including bond issuance costs):
 - a. Up to \$15.2 million for Tournament Players Club (TPC) Clubhouse and Stadium Renovations Project and TPC Golf Course Irrigation Mainline Replacement Project.
 - b. Up to \$1.2 million for the Tony Nelssen Equestrian Center Project.
 2. The form of the agreement, trust indenture and a continuing disclosure certificate with respect to the bonds, and the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.
- Presenter(s):** Lee Guillory, Finance Director
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov
25. **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 September 2014.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
26. **Fiscal Year 2013/14 Financial Update – City Treasurer Jeff Nichols presentation**
Request: City Treasurer’s financial summary presentation for Fiscal Year 2013/14.
Presenter(s): Jeff Nichols, City Treasurer
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEM 27

27. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for November 12, 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.
- Board of Adjustment (*one vacancy*) – **Councilmember Korte nominated M. Alper Adli.**
Building Advisory Board of Appeals (*two vacancies*) – **There were no applicants for this board.**
Environmental Quality Advisory Board (*two vacancies: one scientific representative and one non-scientific representative*) – **Mayor Lane nominated Michel Hulst.**
Industrial Development Authority (*one vacancy*) – **Councilwoman Klapp nominated Jessicah Amrine, Councilwoman Milhaven nominated Tim Stratton, and Councilman Robbins nominated Paul Watkins.**
Judicial Appointments Advisory Board (*two vacancies: one Scottsdale citizen member and one Scottsdale Bar member*) – **No applicants were nominated for this board.**
Loss Trust Fund Board (*two vacancies*) – **There were no applicants for this board.**
Neighborhood Advisory Commission (*one vacancy*) – **Councilwoman Milhaven nominated Jennifer Fabiano.**
Personnel Board (*one vacancy*) – **Councilman Robbins nominated Stacy Gabriel and Councilmember Korte nominated Steven Guttell.**
Transportation Commission (*one vacancy*) – **Councilmember Korte nominated Robert Stickles.**

Note: The only Council action to be taken on Item No. 27 is to select nominees for interviews and appointment consideration at a future Council meeting. No written public comment will be taken on this item.

Public Comment – Jimmy VanZandt expressed his belief that the passenger transport service provider Uber X is not complying with A.R.S. § 28-4033. He asked the City to require all passenger transport service providers to comply with the statute.

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 28

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.

28. 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 – 6:31 P.M.