

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED CONSENT ITEM NOS. 7, 16, AND 23]

COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Tuesday, April 14, 2015

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 (April 28, 2015).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:05 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 – Girl Scout Daisy Troop 724, Leader Andrea Parson

Invocation – Reverend Dr. Cathy Clardy Patterson, Foundation of Life Church

Mayor's Report – Mayor Lane proclaimed this week as National Volunteer Week and thanked all the volunteers in the City for their service. Mayor Lane presented a proclamation declaring April as "Start by Believing Month" for sexual awareness.

Presentations/Information Updates

- **Start By Believing/Sexual Assault Awareness – Kim Hedrick gave a presentation on the "Start by Believing" campaign.**
Presenter(s): Kim Hedrick
- **Transportation Commission Update – Transportation Commission Chair Steven Olmsted provided a Transportation Commission update.**
Presenter(s): Steven Olmsted, Chair



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 – Scott Calev spoke about air traffic patterns at the Scottsdale Airport. Ben Gray expressed concern about the treatment he received from police officers. Ben Haley spoke in support of a non-discrimination ordinance.

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 March 3, 2015](#) and [March 17, 2015](#); [Special Meeting Minutes of March 24, 2015](#); [Work Study Session Minutes of March 24, 2015](#); and Executive Session Meeting Minutes of March 24, 2015.

– Councilman Phillips made a motion to approve the Regular Meeting Minutes of March 3, 2015, and March 17, 2015; Special Meeting Minutes of March 24, 2015; Work Study Session Minutes of March 24, 2015; and Executive Session Meeting Minutes of March 24, 2015. Councilwoman Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-29

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 Agenda Items 1 through 29, absent Items 7, 15, 16, and 23, which were removed from the Consent Agenda, and Item 22, which was moved to the Regular Agenda. Councilwoman Littlefield seconded the motion, which carried 7/0.

- [DC Ranch Village Tennis Center Liquor License \(9-LL-2015\)](#) – 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 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 9800 E. Horseshoe Canyon Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Tesoro Ristorante Italiano Liquor License \(28-LL-2015\)](#) – 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: 11219 E. Via Linda, Suite D1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [TRU Liquor License \(29-LL-2015\)](#) – 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: 4252 Drinkwater Boulevard, Suites A and B
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **[Brat Haus Liquor License \(30-LL-2015\)](#) – **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 7 (beer and wine bar) State liquor license for an existing location and owner to add a new license series.
Location: 3622 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
5. **[Holy Spirits Liquor License \(31-LL-2015\)](#) – **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: 7318 E. Stetson Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
6. **[The Little Thaiger “Suh Noi” Liquor License \(32-LL-2015\)](#) – **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: 7150 E. Thomas Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
- ***7. **[Permanent Extension of Premises for Terravita Golf and Country Club \(3-EX-2015\)](#)**

(Item No. 7 was withdrawn at the request of the applicant)
8. **[Permanent Extension of Premises for V95 Wine Lounge \(4-EX-2015\)](#) – **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 7 (beer and wine bar) State liquor license.
Location: 7014 E. Camelback Road, Suite J34
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
9. **[Scottsdale Fashion Square Mall - V95 Conditional Use Permit \(9-UP-2013#2\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10059** approving a Conditional Use Permit for a bar use for a 535± square-foot establishment with Downtown Regional Commercial Office, Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) District zoning.
Location: 7014 E. Camelback Road, Suite J34
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
10. **[Hertz Auto Conditional Use Permit \(1-UP-2015\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 10056** approving an amendment to a Conditional Use Permit for vehicle leasing, rental, and sales with outdoor vehicle display and storage with Highway Commercial (C-3) District zoning.
Location: 7300 E. McDowell Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
11. **[Fairmont Scottsdale Princess Hotel Expansion Rezoning \(5-ZN-2015\)](#) – **Approved on Consent.**
Request: Continue to April 28, 2015 at the request of the applicant.**

12. [Simonson Abandonment \(1-AB-2014\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10037** authorizing the abandonment of an existing 33-foot General Land Office Patent Easement (GLO) along the southern boundary of parcel 216-50-097, with Single-Family Residential District, Environmentally Sensitive Lands, and Foothills Overlay (R1-70/ESL/FO) District zoning.
Location: 31655 N. 68th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
13. [The Peaks Business Park Perimeter Exception \(1-PE-2008#2\)](#) – **Approved on Consent.**
Requests:
1. Approve a re-plat and amend an existing perimeter exception development agreement to divide Lot 1 into two lots with Commercial Office, Environmentally Sensitive Lands (C-O ESL) District zoning.
2. Adopt **Resolution No. 10028** authorizing Development Agreement No. 2015-045-COS with Peaks Corporation Park, LLC; PCP, VPS2, LLC; and Peaks Corporate Park Commercial Owners Association.
Location: 7669 E. Pinnacle Peak Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
14. [The Reserve at Pinnacle Peak Patio \(Capella\) Termination of Development Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10044** authorizing Contract No. 2009-040-COS-A1 to terminate the development agreement with Torino Holdings, LLC, for 27± gross acres with Central Business District, Environmentally Sensitive Lands (C-2 ESL) and Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4 ESL) District zoning.
Location: Northeast and northwest corners of N. 102nd Street and E. Jomax Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
15. Item 15 was removed at the request of staff.
- ***16. [City Office Complex Real Estate Sale Agreement](#)

(Item No. 16 was removed at the request of staff and will be brought back to Council on May 5, 2015.)
17. [Rehabilitation of Parks and Lakes within the Indian Bend Wash Engineering Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10012** authorizing Contract No. 2015-038-COS with J2 Engineering and Environmental Design in the amount of \$229,299 to provide design services for the rehabilitation of parks and lakes within the Indian Bend Wash.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
18. [Construction Phase Services Contract for the Harquahala Water Supply Project](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10052** authorizing CM@Risk Contract No. 2015-058-COS with PCL Construction, Inc., in the amount of \$4,845,482 for groundwater well drilling construction phase services for the Harquahala Water Supply Project.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

19. **Citywide Water Resources Underground Infrastructure Services Job Order Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 10077** authorizing the following contracts for citywide water resources underground infrastructure services:
1. Contract No. 2015-099-COS with Achen Gardner Construction, LLC
2. Contract No. 2015-100-COS with B&F Contracting, Inc.
3. Contract No. 2015-101-COS with CSW Contractors, Inc.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
20. **Arizona Canal Multi-Use Path License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10085** authorizing:
1. Acquisition of a public non-motorized access easement from Privado Village Homeowners Association.
2. Contract No. 2015-106-COS with the Salt River Project Agricultural Improvement and Power District to license area along the Arizona Canal for a multi-use path from Chaparral Road to Indian Bend Wash.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
21. **McDowell Road Pedestrian and Streetscape Improvements Right-of-Way Easements – Approved on Consent.**
Request: Adopt **Resolution No. 10095** authorizing the acquisition of right-of-way and temporary construction easements along the north side of McDowell Road from Scottsdale Road to Miller Road for pedestrian and streetscape improvements.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
22. **SkySong Ground Lease Amendment – Councilmember Korte made a motion to adopt Resolution No. 10090 authorizing Contract No. 2004-119-COS-A5, the fifth amendment to the ground lease with ASUF Scottsdale, LLC. Vice Mayor Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**
Request: Adopt **Resolution No. 10090** authorizing Contract No. 2004-119-COS-A5, the fifth amendment to the ground lease with ASUF Scottsdale, LLC, for the SkySong property.
Location: Southeast corner of McDowell Road and Scottsdale Road
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
- ***23. **Return of HOME Investment Partnership Funds**

(Item No. 23 was removed at the request of staff and will be brought back to Council on May 5, 2015.)
24. **Fire Department Medical Examinations Professional Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10094** authorizing Contract No. 2015-109-COS with Heart Fit For Duty, LLC, in an amount not to exceed \$185,390 annually, for medical services, including incumbent medical fit for duty exams and pre-hire physical exams.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
25. **Police Department Psychological Assessments Professional Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 10073** authorizing Contract No. 2015-097-COS with Jeni McCutcheon Psy.D, PLLC, in an amount not to exceed \$25,000 annually, to provide pre-employment, SWAT operative assignment and post shooting/use of force critical intervention psychological services.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

26. [Airport Engineering and Architectural Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10055** authorizing Contract No. 2015-059-COS with Mead & Hunt, Inc., for airport engineering and architectural services at Scottsdale Airport.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
27. [Dulatahu v. City of Scottsdale, et al., Settlement Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10108** authorizing settlement in the amount of \$25,000 of Amor Dulatahu's negligence lawsuit against the City entitled *Dulatahu v. City of Scottsdale, et al.*, Case No. CV2014-011772, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
28. [Monthly Financial Report](#) – **Approved on Consent.**
Request: Accept the FY 2014/15 Monthly Financial Report as of February 2015.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
29. [Rules of Council Procedure](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10089** approving the 2015 Amended Rules of Council Procedure.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 30-34**

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.**

30. [SkySong Rezoning \(26-ZN-2004#2\)](#)
– **Senior Planner Greg Bloemberg presentation.**
– **Councilwoman Klapp made a motion to adopt Ordinance No. 4195 to: (a) approve a zoning district map amendment to the original zoning case (26-ZN-2004) for a 40± acre site, including amendments to the P-C Development Plan, site development standards, and P-C comparable zoning districts, including but not limited to, increasing the allowed building height from 60-feet (exclusive of rooftop appurtenances) to 90-feet (exclusive of rooftop appurtenances), adding building setback and stepback requirements for buildings in excess of 60-feet in height, amending the Permitted Uses, and eliminating the Regional Shopping Center (C-S) and Commercial Office (C-O) zoning districts from the list of P-C comparable zoning districts; (b) find that the Planned Community District (P-C) criteria have been met; (c) determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan; and (d) adopt Resolution No. 10057 declaring the document entitled “SkySong Development Plan” as a public record. Vice Mayor Milhaven seconded the motion, which carried 4/3, with Councilmembers Littlefield, Phillips, and Smith dissenting.**
Requests:
1. Adopt **Ordinance No. 4195** to:
a. Approve a zoning district map amendment to the original zoning case (26-ZN-2004) for a 40± acre site, including amendments to the P-C Development Plan, site development standards, and P-C comparable zoning districts, including but not limited to, increasing the allowed building height from 60-feet (exclusive of rooftop appurtenances) to 90-feet (exclusive of rooftop appurtenances), adding building setback and stepback requirements for buildings in excess of 60-feet in height, amending the Permitted Uses, and eliminating the Regional Shopping Center (C-S) and Commercial Office (C-O) zoning districts from the list of P-C comparable zoning districts.

- b. Find that the Planned Community District (P-C) criteria have been met.
 - c. Determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan.
2. Adopt **Resolution No. 10057** declaring the document entitled "SkySong Development Plan" as a public record.

Location: Southeast corner of McDowell Road and Scottsdale Road

Presenter(s): Greg Bloemberg, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

31. **Bahia Work/Live/Play Development Agreement Terms**

–Senior Planner Greg Bloemberg presentation.

–General direction was given to staff to initiate the rezoning necessary to reallocate funds in the amount of \$768,000 for undergrounding 69KV power lines and in the amount of \$100,000 for public art.

Request: Presentation, discussion, and possible direction to staff on the terms of Development Agreement No. 2014-188-COS with Bahia Live/Work Lofts and Townhomes, LLC, which sets forth the manner in which gross floor area and building height bonuses can be achieved in exchange for \$868,836.60 to be used by the City for the construction of special public improvements related to the Bahia Work/Live/Play Project Zoning District Map Amendment approved for Case No. 14-ZN-2014.

Presenter(s): Greg Bloemberg, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

32. **Camelback Road, Downtown, and Day Tripper Trolleys**

– Transportation Director Paul Basha presentation.

– Councilmember Korte made a motion to direct staff to: (1) discontinue the Day Tripper Trolley; (2) fund the Downtown Trolley with \$300,000 in bed tax funds and \$150,000 in transportation operating funds; and (3) fund the Camelback Trolley with \$585,000 in transportation operating funds. Mayor Lane seconded the motion, which carried 6/1, with Vice Mayor Milhaven dissenting.

Request: Presentation, discussion, and possible direction to staff on funding for the Camelback Road, Downtown, and Day Tripper Trolleys, including possible elimination of the Day Tripper Trolley.

Presenter(s): Paul Basha, Transportation Director

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

33. **Proposed Fiscal Year 2015/16 Operating Budget and Capital Improvement Plan**

– Budget Director Judy Doyle, Public Works Director Dan Worth, Finance Director Lee Guillory, and Strategic Initiatives Director Brent Stockwell presentations.

– General direction was given to staff to: (1) not include the proposed two percent primary property tax increase in the FY2015/16 budget; (2) evaluate the Cultural Council's facility and equipment upgrade requests for inclusion in the CIP projects and return to the Council with information related to possible funding sources for the requests, including unallocated, unreserved funds; and (3) explore options for funding the Cultural Council request for Canal Convergence projects with bed tax monies.

Request: Presentation, discussion, and possible direction to staff regarding the Proposed FY 2015/16 Operating Budget and Capital Improvement Plan, including the following items:

1. Property Tax 2% Allowance
2. Cultural Council Requests
3. Other

Presenter(s): Judy Doyle, Budget Director; Dan Worth, Public Works Director; Lee Guillory, Finance Director; and Brent Stockwell, Strategic Initiatives Director

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

– Vice Mayor Milhaven made a motion to continue the remaining items to the next Council Meeting (April 21, 2015). Councilmember Korte seconded the motion, which carried 7/0.

34. **Monthly Financial Update – Continued to April 21, 2015.**

Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of March 2015.

Presenter(s): Jeff Nichols, City Treasurer

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

Public Comment – None

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MAYOR AND COUNCIL

ITEM 35

35. **Request to Agendize a Discussion on Citizen Airplane Noise Complaints – Continued to April 21, 2015.**

Request: At the request of Councilman Phillips, direct staff to agendize: “A discussion and possible direction to staff to determine whether the City can obtain assistance from the FAA in responding to citizen noise complaints and to report back to Council on staff’s findings.”

Note: The only Council action to be taken on Item No. 35 is a decision on whether to agendize the referenced matter at a future Council meeting. No public comment will be taken at this time.

CITIZEN PETITIONS

ITEM 36

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.

36. **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 – 10:48 P.M.