

SCOTTSDALE

CITY COUNCIL MEETING



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

[MOVED CONSENT ITEM NO. 9 TO THE REGULAR AGENDA]

COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Tuesday, April 28, 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 (May 5, 2015).

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).

Pledge of Allegiance – Brownie Troop 194, Priscilla Sanders Leader

Invocation – Senior Pastor Don Benton, Scottsdale United Methodist Church

Mayor's Report – Mayor Lane announced that the City was named a "New Way to Work Global Ambassador" by Unify, a leading software and services firm. Mayor Lane reported that the Phoenix Business Journal listed the San Francisco Giants as the Cactus League's number one team.

Presentations/Information Updates – Downtown Specialist Ben Moriarity presentation.

- [Donation of Old Town Cowboy Sign](#)
Presenter(s): Ben Moriarity, Downtown Specialist

Public Comment – Patricia Travis expressed concern about accessing photo radar information from the City. Dimitris Kampos was disappointed in the Police Department's response to his difficult business situation. Brandie Reiner spoke in support of a non-discrimination ordinance.



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 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 [Work Study Session Minutes of March 31, 2015](#).

– Councilwoman Klapp made a motion to approve the Work Study Session Minutes of March 31, 2015. Vice Mayor Milhaven seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-15

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 15, absent Items 9, 10, and 15, which were moved to the Regular Agenda. Councilman Phillips seconded the motion, which carried 7/0.

1. [Preston's Steakhouse Liquor License \(33-LL-2015\)](#) – **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: 8700 E. Pinnacle Peak Road, Suite 115

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

2. [The Second Story Liquor License \(34-LL-2015\)](#) – **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: 4166 N. Scottsdale Road, Suite 102

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

3. [Peter Piper Pizza No. 208 Liquor License \(35-LL-2015\)](#) – **Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 12 (restaurant) State liquor license.

Location: 15720 N. Pima Road

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

4. [Pebble Stone Market Conditional Use Permit \(3-UP-2013\)](#) – **Approved on Consent.**

Request: Find that the conditional use permit criteria have been met, and adopt

Resolution No. 10079 approving a Conditional Use Permit for a Gas Station with Highway Commercial Downtown Overlay (C-3 DO) zoning to enlarge the retail building by 2,250± square feet.

Location: 3399 N. Scottsdale Road

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

5. **Sunrise Trail Final Plat (11-PP-2014) – Approved on Consent.**

Request: Approve the final plat for a new 32-lot, single-family residential subdivision with Single-Family Residential, Environmentally Sensitive Lands (R1-7 ESL) zoning and Single-Family Residential, Environmentally Sensitive Lands, Planned Residential District (R1-18 ESL PRD) zoning on a 15± acre site.

Location: Northeast corner of E. Shea Boulevard and N. 124th Street

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

6. **Office 101 Rezoning (33-ZN-2000#2) – Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4200** to:

- a. Approve a zoning district map amendment to amend the development plan and the amended development standards approved as part of the Horseman's Park Planned Community District (33-ZN-2000) to allow seven feet of additional building height on a parcel with Industrial Park District (I-1 PCD) zoning.
- b. Find that the Planned Community (P-C) District 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. 10080** declaring the document entitled "Office 101 Development Plan" to be a public record.

Location: 8900 E. Bahia Drive

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

7. **Silverstone Rezoning (15-ZN-2005#3) – Approved on Consent.**

Request: Adopt **Ordinance No. 4199** approving a zoning district map amendment to amend a previously approved zoning case stipulation (15-ZN-2005) for a property with Planned Community District (P-C) with Commercial Office (C-O) comparable zoning to eliminate the phasing plan stipulation regarding the timing of required street improvements.

Location: Southeast corner of E. Pinnacle Peak Road and N. Scottsdale Road

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

8. **Fairmont Scottsdale Princess Hotel Expansion Rezoning (5-ZN-2015) – Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4196** to:

- a. Approve a zoning district map amendment to amend a previously approved development plan, including site plan parking development standards and number of allowed hotel guest rooms, for a 66± acre property with Planned Community District (P-C) zoning with Central Business District (C-2) as the comparable zoning district.
- b. Find that the Planned Community (P-C) zoning district 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. 10058** declaring the document entitled "Scottsdale Princess Development Plan" to be a public record.

Location: 7501 and 7505 E. Princess Boulevard and 7575 and 7679 E. Princess Drive

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

***9. **Apache Park Real Estate Sale Agreement**
Item No. 9 moved to the Regular Agenda

10. **Fire Station No. 613 Architectural Services Contract**

Request: Adopt **Resolution No. 10091** authorizing:

1. Contract No. 2015-108-COS with Arrington Watkins Architects, LLC, in the amount of \$398,554 to provide design services for Fire Station No. 613.
2. Initiation of a Municipal Use Master Site Plan for Fire Station No. 613.

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

– Vice Mayor Milhaven made a motion to call the question. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Phillips and Smith dissenting.
– Vice Mayor Milhaven made a motion to adopt Resolution No. 10091 authorizing Contract No. 2015-108-COS and initiation of a Municipal Use Master Site Plan for Fire Station No. 613. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Smith dissenting.

11. **Hayden Road and Thomas Road Intersection Improvements Engineering Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 10049** authorizing Contract No. 2015-056-COS with Ritoch-Powell & Associates in the amount of \$249,395 for engineering services to design the Hayden Road and Thomas Road Intersection Improvements Project.

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

12. **Crosscut Canal Path from Culver Street to McDowell Road Engineering Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 10097** authorizing Contract No. 2015-110-COS with AZTEC Engineering Group, Inc., in the amount of \$159,364, for engineering services to design the Crosscut Canal Path from Culver Street to McDowell Road.

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

13. **Citywide Water Resources Treatment Services Job Order Contracts – Approved on Consent.**

Request: Adopt **Resolution No. 10099** authorizing the following construction services job order contracts for Citywide water resources treatment services:

1. Contract No. 2015-112-COS with Currier Construction, Inc.
2. Contract No. 2015-113-COS with Felix Construction Co.
3. Contract No. 2015-114-COS with MGC Contractors, Inc.

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

14. **Fiscal Year 2014/15 Capital Improvement Plan Budget Adjustments – Approved on Consent.**

Request: Adopt **Resolution No. 10033** authorizing FY 2014/15 capital improvement plan budget adjustments.

Staff Contact(s): Derek Earle, City Engineer, 480-312-2776, dearle@scottsdaleaz.gov

15. **Project Administration and Reimbursement of Eligible Costs for Proposition 400 Funds Intergovernmental Agreements Amendments – Councilwoman Klapp made a motion to adopt Resolution No. 10104 authorizing amendments to Intergovernmental Agreement Nos. 2014-175-COS-A1 and 2014-176-COS-A1. Councilmember Korte seconded the motion, which carried 6/1, with Councilwoman Littlefield dissenting.**

Request: Adopt **Resolution No. 10104** authorizing the following amendments to intergovernmental agreements with the Maricopa Association of Governments for project administration and reimbursement of eligible costs incurred by the City for two road improvement projects:

1. Agreement No. 2014-175-COS-A1 for the Redfield Road: Raintree Drive to Hayden Road Arterial Life Cycle Program Project.
2. Agreement No. 2014-176-COS-A1 for the Raintree Drive: Scottsdale Road to Hayden Road Arterial Life Cycle Program Project.

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

REGULAR AGENDA ITEMS 9 AND 16-19

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.**

- ***9. [Apache Park Real Estate Sale Agreement](#)
Request: Adopt **Resolution No. 9852** authorizing Contract No. 2014-120-COS with the Scottsdale Unified School District No. 48 in the amount of \$2,022,000 for the purchase of 4.6 acres of land.
Location: Along 85th Place between Moreland Street and Roosevelt Street
Presenter(s): Daniel Worth, Public Works Director
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov
– **Councilman Phillips made a motion to not adopt Resolution No. 9852. Councilwoman Littlefield seconded the motion, which failed 1/6, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, and Smith dissenting.**
– **Vice Mayor Milhaven made a motion to adopt Resolution No. 9852 authorizing Contract No. 2014-120-COS with the Scottsdale Unified School District No. 48. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**
16. [Public Hearing on the Community Development Block Grant Program Five-Year Consolidated Plan for Fiscal Year 2015 through 2019 and the Fiscal Year 2015/16 Annual Action Plan](#)
Requests:
1. Solicit public testimony regarding the Five-Year Consolidated Plan For FY 2015 through 2019 and FY 2015/16 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds in the amount of \$999,531 and HOME Investment Partnership Program (HOME) funds in the amount of \$112,901.
 2. Adopt **Resolution No. 10074** to:
 - a. Approve the Five Year Consolidated Plan for FY 2015 through 2019 and the Annual Action Plan for FY 2015/16 (Plans) for the City of Scottsdale CDBG Program, and authorize the City Manager to execute appropriate certifications and submit the Plans to the U.S. Department of Housing and Urban Development (HUD).
 - b. Authorize the City Manager to execute, on behalf of the City, a contract with HUD for FY 2015/16 CDBG funding and approve the purposes for which the FY 2015/16 CDBG funds may be expended.
 - c. Approve the manner in which the FY 2015/16 HOME funds shall be allocated.
 - d. Approve the reprogramming of remaining CDBG and HOME funds under prior years' funding.
 - e. Approve allocations for CDBG and HOME funds, as recommended by the Human Services Commission and described in Exhibits A and B of the resolution, contingent upon HUD's allocation, the City's receipt of such funds and upon each subrecipient's successful performance of its obligations under the CDBG and HOME contracts with the City.
 - f. Authorize the Mayor to execute, on behalf of the City, contracts with agencies to be funded with CDBG funds for FY 2015/16, to substantially conform with the form attached as Exhibit C, contingent upon HUD's allocation and the City's receipt of such funds, and subject to and contingent upon the execution of the HUD grant contracts for FY 2015/16 funding and final negotiation of scopes of work and contract terms with subrecipients.

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- g. Approve the return of program income from the repayment of deferred loans from recipients of the Housing Rehabilitation Program to the City's CDBG Line of Credit or Revolving Loan Fund to be expended on eligible rehabilitation activities.
- h. Approve the return of all other program income from CDBG funded activities to the City's CDBG Line of Credit to be expended on other eligible CDBG activities.
- i. Authorize the return of program income from the repayment of deferred loans from the Housing Rehabilitation Program to the City's CDBG Line of Credit or Revolving Loan Fund for use in eligible rehabilitation activities.
- j. Authorize the Community Assistance Manager to: (1) execute all documents related to the City's Housing Rehabilitation Program; (2) adjust the allocations of CDBG and HOME funds, as necessary, based upon final federal funding allocations to the City and program income received; and (3) execute any other documents and take such other actions as are necessary to carry out the intent of this resolution.

Presenter(s): Bill Murphy, Community Services Director

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

– Michelle Albanese and Human Services Commission Chair Raul Zubia presentation.

– Councilwoman Klapp made a motion to adopt Resolution No. 10074. Councilmember Korte seconded the motion, which carried 7/0.

17. **Brown's Classic Autos Rezoning (1-ZN-2015)**

Requests:

- 1. Adopt **Ordinance No. 4198** to:
 - a. Approve a zoning district map amendment, including an amendment to the Horseman's Park PCD development plan (33-ZN-2000), to change the PCD comparable zoning for a 1.8± site from Industrial Park District (I-1 PCD) to General Commercial District (C-4 PCD).
 - b. Find that the Planned Community (P-C) District 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. 10086** declaring the document entitled "Brown's Classic Auto Development Plan" to be a public record.

Location: 9024 E. Bahia Drive

Presenter(s): Greg Bloemberg, Sr. Planner

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

– Senior Planner Greg Bloemberg presentation.

– Councilman Phillips made a motion to not adopt Ordinance No. 4198 or Resolution No. 10086. Councilwoman Littlefield seconded the motion, which carried 4/3, with Vice Mayor Milhaven and Councilmembers Klapp and Korte dissenting.

18. **Rockbar Inc. Conditional Use Permit (2-UP-2001#3)**

Request: Find that the conditional use permit criteria have been met, and adopt

Resolution No. 10078 approving an amendment to an existing conditional use permit for live entertainment with Downtown/Downtown Core, Type 1, Downtown Overlay (D/DC-1 DO) zoning.

Location: 4245 N. Craftsman Court

Presenter(s): Daniel Symer, Sr. Planner

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

– Senior Planner Daniel Symer presentation.

- Vice Mayor Milhaven made an alternate motion to approve the Conditional Use Permit for a term of one year, with the additional proposed stipulations. Mayor Lane seconded the motion, which failed 2/5 with Councilmembers Klapp, Korte, Littlefield, Phillips, and Smith dissenting.
- Councilman Smith made a motion to deny Resolution No. 10078 to approve an amendment to an existing conditional use permit for live entertainment with Downtown/Downtown Core, Type 1 Overlay (D/DC-1 DO) zoning and not finding that the conditional use permit criteria have been met. Councilman Phillips seconded the motion, which carried 5/2, with Mayor Lane and Vice Mayor Milhaven dissenting.

19. [Review Proposed Fiscal Year 2015/16 Budget](#)

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

1. Pay Program
2. Other

Presenter(s): Donna Brown, Human Resources Director

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

– Human Resources Director Donna Brown presentation on the proposed pay program.

– For the Fiscal Year 2015/16 Budget, there was general direction to provide for:

- Merit increases up to the top of the salary range for employees who meet expectations (up to three percent) or exceed expectations (up to five percent).
- Non-merit increases only under unique circumstances and with the concurrence of the City Manager.
- As previously directed: (1) A three percent (3%) fix increase for police officers, based on years of service, but no additional increases in FY 15/16; (2) no increase for officers at maximum of pay range; and (3) up to a five percent (5%) merit increase starting in Fiscal Year 2016/17 for police officers who meet or exceed expectations.

– Mayor Lane declared a conflict and left the dais.

– Government Relations Director Brad Lundahl presentation on the Arizona Council for International Visitors funding request.

– Councilwoman Klapp made a motion to include funding in the Fiscal Year 2015/16 budget for the Arizona Council for International Visitors in the amount of \$75,000 to be paid with tourism bed tax funds. Councilwoman Littlefield seconded the motion, which carried 6/0 (Mayor Lane COI).

MAYOR AND COUNCIL

ITEM 20

20. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for May 12, 2015)**

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*) – Councilman Phillips nominated Matt Metz.

Building Advisory Board of Appeals (*two vacancies*) – Councilmember Korte nominated Raymond Texeira.

Environmental Quality Advisory Board (*one vacancy*) – Councilmember Korte nominated Candice Gimbel, Councilman Phillips nominated Aliza Sabin, and Councilman Smith nominated Steven Schlosser.

Historic Preservation Commission (*two vacancies*) – Mayor Lane nominated Ellen Kirchman and Taraneh Moosavi and Councilman Smith nominated John Bamberl.

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Judicial Appointments Advisory Board (*one Scottsdale bar member vacancy*) – **Councilwoman Klapp nominated James Padish and Councilwoman Littlefield nominated John Penner.**
Library Advisory Board (*one vacancy*) – **Vice Mayor Milhaven nominated Laraine Rodgers and Councilwoman Littlefield nominated Thomas O’Shea.**
Loss Trust Fund Board (*two vacancies*) – **Councilwoman Littlefield nominated Paul McKee and Mayor Lane nominated Raymond Texeira.**
McDowell Sonoran Preserve Commission (*two vacancies*) – **Councilman Phillips nominated Steve Dodd and Michael Milillo.**
Neighborhood Advisory Commission (*one vacancy*) – **Councilman Smith nominated Michael Gonzalez.**
Parks and Recreation Commission (*one vacancy*) – **Councilmember Korte nominated Tom Gagen, Mayor Lane nominated Paul Jasa, Councilwoman Klapp nominated Alper Adli, and Councilwoman Littlefield nominated Ron Chambless.**
Planning Commission (*one vacancy*) – **Mayor Lane nominated Ross Cromarty, Councilwoman Klapp nominated Paul Alessio, Councilwoman Littlefield nominated Linda Whitehead, and Councilman Phillips nominated Robert Cappel.**
Tourism Development Commission (*one vacancy*) – **Councilwoman Klapp nominated Tatum Luoma, Councilwoman Littlefield nominated Linda Dillenbeck, and Councilman Phillips nominated Dee Ellsworth.**
Transportation Commission (*one vacancy*) – **Vice Mayor Milhaven nominated Gary Bretz and Councilwoman Littlefield nominated David Vaughn.**

Note: The only Council action to be taken on Item No. 20 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 21

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.

21. 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 – 9:08 P.M.