

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED CONSENT ITEM No. 10]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, October 6, 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 (October 20, 2015).

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 – Councilmember Korte absent.

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 – Daisy Troop 770, Nikki Coburn Leader

Invocation – Mayor Lane asked for a moment of silence to honor the Oregon Umpqua Community College shooting victims.

Mayor's Report – Mayor Lane presented a proclamation to Kroy Ekblaw celebrating the month of October 2015 as Scottsdale McDowell Sonoran Preserve Month.

Presentations/Information Updates – None

Public Comment – Environmental Quality Advisory Board Chair Floyd Marsh reported on a recently established environmental achievement recognition program. Sharon Spencer expressed concern about the treatment she received when trying to obtain a dental voucher.

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).

MINUTES

Request: Approve the [Special Meeting Minutes of September 8, 2015](#); [Regular Meeting Minutes of September 8, 2015](#); and Executive Session Minutes of June 16, 2015, July 1, 2015, and September 8, 2015. – **Councilman Phillips made a motion to approve the Special Meeting Minutes of September 8, 2015; Regular Meeting Minutes of September 8, 2015; and Executive Session Minutes of June 16, 2015, July 1, 2015, and September 8, 2015. Councilwoman Klapp seconded the motion, which carried 6/0.**

CONSENT AGENDA ITEMS 1-11

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.

– **Councilwoman Milhaven made a motion to approve Consent Agenda Items 1 through 11, absent Item 10, which was removed at the request of staff, and Item 9, which was moved to the regular agenda. Vice Mayor Smith seconded the motion, which carried 6/0.**

- [No Que No! Mexican Grill Liquor License \(87-LL-2015\)](#) – **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: 2515 N. Scottsdale Road, Suites 2, 3, and 4
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
- [Construction Phase Services Contract for the Hayden and Thunderbird Roads Waterline Replacements Project](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10236** to authorize:
 - CM@Risk Contract No. 2015-218-COS with Achen-Gardner Construction, LLC, in the amount of \$4,341,590.67 for the Hayden and Thunderbird Roads Waterline Replacements project.
 - A budget appropriation transfer in the amount of \$5,170,000 from the Water Distribution System Improvements CIP project (WB77) water rates funding source to a newly created CIP project titled Hayden and Thunderbird Roads Waterline Replacements also to be funded by water rates.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov**
- [Proposition 202 Grant Funds](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10242** to authorize:
 - The City to accept \$33,000 in Proposition 202 Tribal Gaming funds from the Gila River Indian Community to be used by the City's Community Services Division for various programs.
 - A budget transfer in the amount of \$33,000 from the adopted FY 2015/16 Grant Contingency and/or Future Grants Budget and the creation of new cost centers to record all of the grant activity.
 - The Government Relations Director to execute any necessary documents to facilitate the receipt or transmittal of the specified grant.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov**

4. **Proposition 202 Funds Acceptance Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10244** to authorize:

1. Agreement No. 2015-226-COS with the Salt River Pima-Maricopa Indian Community to accept \$1,519,500 in Proposition 202 Tribal Gaming funds.
2. A budget transfer in the amount of \$754,500 from the adopted FY 2015/16 Grant Contingency and/or the Future Grants Budget to the center assigned to record all the grant activity.

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

5. **DUI Enforcement and Education Grant – Approved on Consent.**

Request: Adopt **Resolution No. 10238** to authorize:

1. Contract No. 2015-219-COS with the Arizona Governor's Office of Highway Safety to accept a grant in the amount of \$100,000 for overtime and associated expenses to enhance DUI enforcement and education.
2. A budget transfer in the amount of \$100,000 from the adopted FY 2015/16 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

6. **Moving Radar Systems Grant – Approved on Consent.**

Request: Adopt **Resolution No. 10239** to authorize:

1. Contract No. 2015-220-COS with the Arizona Governor's Office of Highway Safety to accept a grant in the amount of \$24,100 for six moving radar systems.
2. A budget transfer in the amount of \$24,100 from the adopted FY 2015/16 Future Grants Budget and/or the 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@scottsdaleaz.gov

7. **Fire Department Urban Area Security Initiative Grants – Approved on Consent.**

Request: Adopt **Resolution No. 10246** to authorize:

1. The City to accept an Arizona Department of Homeland Security Fire CBRNE grant in the amount of \$60,226 for the purchase of hazardous gas detection equipment software and required Advanced Hazardous Materials certification training.
2. The City to accept Arizona Department of Homeland Security Fire Terrorism Liaison Officer Program (TLO) Fire grant in the amount of \$81,900 for the purchase of a new vehicle to be on par with the Regional Standard and for registration and expenses for program personnel to attend TLO training.
3. The Fire Chief or designee to conduct all negotiations and to execute and submit all documents in connection with the Arizona Department of Homeland Security grants.
4. A budget transfer in the amount of \$142,126 from the adopted FY 2015/16 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activities.

Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov

8. **Salinity Rebate Pilot Program Summary Report – Approved on Consent.**

Request: Accept the Salinity Rebate Pilot Program Summary Report for FY 2014/15. This program went in to effect on July 1, 2014.

Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

9. [Initiation of Special Events Ordinance Text Amendment](#) – Councilwoman Milhaven made a motion to initiate a text amendment to the Zoning Ordinance (Appendix B) of Scottsdale Revised Code, Article VII. General Provisions, Sections 7.900-7.930, to update the provisions related to Special Events. Vice Mayor Smith seconded the motion, which carried 6/0.

Request: Initiate a text amendment to the Zoning Ordinance (Appendix B) of Scottsdale Revised Code, Article VII. General Provisions, Sections 7.900-7.930, to update the provisions related to Special Events.

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov

- ***10. [Video Services Rights-of-Way License Agreement](#)

(Removed at the request of staff)

11. [WestWorld Office License Agreement](#) – Approved on Consent.

Request: Adopt Resolution No. 10004 authorizing Agreement No. 2015-018-COS with National Western Capital Corporation to utilize space in the WestWorld Administration building.

Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

REGULAR AGENDA ITEMS 12-15

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.**

12. [Maricopa Association of Governments Annual Membership Dues](#)

Request: Adopt Resolution No. 10240 authorizing payment of annual membership dues in the amount of \$40,898 to the Maricopa Association of Governments for FY 2015/16.

Presenter(s): Brad Lundahl, Government Relations Director

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

– Government Relations Director Brad Lundahl presentation.

– Councilwoman Klapp made a motion to adopt Resolution No. 10240 authorizing payment of annual of annual membership dues in the amount of \$40,898 to the Maricopa Association of Governments for FY 2015/16. Councilwoman Milhaven seconded the motion, which carried 6/0.

13. [Forest and Watershed Health Initiative Memorandum of Understanding](#)

Request: Adopt Resolution No. 10248 authorizing Contract No. 2015-227-COS with the National Forest Foundation in the amount of \$120,000, to be spread over three years, for a conservation program investment in the Northern Arizona Forest Fund.

Presenter(s): Brian Biesemeyer, Water Resources Director

Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

– Water Resources Director Brian Biesemeyer presentation.

– Councilman Phillips made a motion to adopt Resolution No. 10248 authorizing Contract No. 2015-227-COS with the National Forest Foundation in the amount of \$120,000 to be spread over three years, for a conservation program investment in the Northern Arizona Forest Fund. Mayor Lane seconded the motion, which carried 6/0.

14. [Establish Citizens' Bond Oversight Committee](#)

Request: Adopt **Ordinance No. 4225** establishing the Citizens' Bond Oversight Committee in the event that any or all of the bond questions are passed by the Scottsdale qualified electors at the November 3, 2015, election.

Presenter(s): Derek Earle, City Engineer

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

– **City Engineer Derek Earle presentation.**

– **Councilwoman Littlefield made a motion to amend Ordinance No. 4225 to allow each Councilmember to appoint one member to the Citizens' Bond Oversight Committee. The motion was withdrawn by the maker.**

– **Councilman Phillips made a motion to establish the criteria for a Citizens' Bond Oversight Committee before adopting an ordinance to establish the Committee. Councilwoman Littlefield seconded the motion, which failed 2/4, with Mayor Lane, Vice Mayor Smith, and Councilwomen Klapp and Milhaven dissenting.**

– **Vice Mayor Smith made a motion to adopt Ordinance No. 4225 establishing the Citizens' Bond Oversight Committee in the event that any or all of the bond questions are passed by the Scottsdale qualified electors at the November 3, 2015 election. Councilwoman Milhaven seconded the motion, which carried 5/1, with Councilman Phillips dissenting.**

15. [Artisan Markets Petition](#)

Request: Presentation, discussion, and possible action regarding Artisan Markets special event permit (109-SE-2015) based on a petition from the Scottsdale Gallery Association.

Presenter(s): Brent Stockwell, Assistant City Manager

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288,

bstockwell@scottsdaleaz.gov

– **Assistant City Manager Brent Stockwell presentation.**

– **Councilwoman Klapp made a motion to:**

1. **Direct the City Manager to review the Artisan Market special event permit in view of the facts that exist today, taking into consideration:**

- **Any opposition from nearby merchants and property owners;**
- **The desire to keep the bridge open for trolleys, cart carriages, and pedestrian traffic;**
- **Impact on the limited parking in the area;**
- **The duration and timing of the event due to impacts on Art Walk; specifically, eliminating the event on Thursday nights so that it does not compete with Art Walk;**
- **The concerns and opinions of all interested parties; and**
- **The possibility that based on the Manager's review and findings, actions taken by the City Manager may include modifying or rescinding the permit.**

2. **As soon as possible, provide a report to the Council at a future meeting regarding findings and results of the Manager's review.**

Vice Mayor Smith seconded the motion, which carried 4/2, with Mayor Lane and Councilwoman Milhaven dissenting.

– **Mayor Lane made an alternate motion to direct the City Manager to review the Artisan Market special event permit and work with the applicant/permittee and interested parties to mediate concerns for the 2015 permit, while staff proceeds with the special events ordinance outreach process. The motion died for lack of a second.**

– **Councilman Phillips made a motion to rescind the Artisan Market special event permit. Vice Mayor Smith seconded the motion. The motion was withdrawn.**

Public Comment – None

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CITIZEN PETITIONS

ITEM 16

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.

16. 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 agenda 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 – 8:18 P.M.