

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\*AMENDED\*\*\* MEETING NOTICE AND AGENDA**

### **[REWORDED CONSENT ITEM No. 13]**

#### **COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

**Tuesday, October 20, 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 (November 10, 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 – 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 – Councilwoman Littlefield**

**Invocation – Rabbi Ariel Shoshan, The Scottsdale Torah Center**

**Mayor's Report – Mayor Lane presented Brad Lundahl with a resolution declaring October 18 – 24, 2015, as Arizona Cities and Towns Week.**

**Presentations/Information Updates – None**

**Public Comment – Darlene Peterson expressed concern about setbacks for apartments and condominiums and plans for Scottsdale and Chaparral roads. Fred Unger expressed support for Scottsdale public art.**

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 21, 2015](#); [Regular Meeting Minutes of September 21, 2015](#); and [Work Study Session Minutes of September 21, 2015](#).

– **Councilmember Korte made a motion to approve the Special Meeting Minutes of September 21, 2015; Regular Meeting Minutes of September 21, 2015; and Work Study Session Minutes of September 21, 2015. Councilwoman Klapp seconded the motion, which carried 7/0.**

## CONSENT AGENDA      ITEMS 1-13

**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 13, absent Item 4, which was moved to the regular agenda. Councilwoman Littlefield seconded the motion, which carried 7/0.**

- 1.      [Boss Coffee Liquor License \(88-LL-2015\)](#) – **Approved on Consent Agenda.****  
**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:** 23015 N. Scottsdale Road, Suite 107  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 2.      [Andaz Scottsdale Resort Liquor License \(89-LL-2015\)](#) – **Approved on Consent Agenda.****  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for an existing location with a new owner.  
**Location:** 6160 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 3.      [Bubbles Liquor License \(91-LL-2015\)](#) – **Approved on Consent Agenda.****  
**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 a new location and owner.  
**Location:** 6990 E. Shea Boulevard, Suite 107  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 4.      [Cake Nightclub In-Lieu Parking Credits \(2-IP-2014\)](#) – **Councilman Phillips made a motion to adopt Resolution No. 9384 approving a request to participate in the In-Lieu Parking Program for ten in-lieu parking credits. Councilwoman Littlefield seconded the motion, which carried 7/0.****  
**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](mailto:rgrant@scottsdaleaz.gov)

5. **[El Regalo Final Plat \(18-PP-2013#3\)](#) – **Approved on Consent Agenda.**  
**Request:** Approve the re-plat of the El Regalo and El Regalo West subdivision plats into one sixty-lot subdivision plat known as El Regalo Amended, located on 23± acres with Planned Community Environmentally Sensitive Lands (P-C ESL) zoning, with the comparable zoning district of Town House Residential (R-4) district.  
**Location:** Northeast corner of N. Scottsdale Road and E. Westland Drive  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)**
6. **[Los Gatos State Land Non-Major General Plan Amendment and Rezoning \(2-GP-2015 and 8-ZN-2015\)](#)** – **Approved on Consent Agenda.**  
**Requests:**
  1. Adopt **Resolution No. 10241** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Suburban Neighborhoods to Rural Neighborhoods on 28± acres located at the northeast corner of N. Pima Road and E. Los Gatos Drive, and 30± acres located south of the southeast corner of N. Pima Road and E. Los Gatos Drive.
  2. Adopt **Ordinance No. 4223** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-190 ESL) to Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) on 28± acres located at the northeast corner of N. Pima Road and E. Los Gatos Drive, and 30± acres located south of the southeast corner of N. Pima Road and E. Los Gatos Drive.**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
7. **[Traffic and Communications Facilities Easement](#)** – **Approved on Consent Agenda.**  
**Request:** Adopt **Resolution No. 10235** authorizing the acquisition of a traffic and communications facility easement for the location of an existing City traffic signal pole.  
**Location:** Northwest corner of Scottsdale Road and Ashler Hills Drive  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
8. **[Limited Use License Agreement](#)** – **Approved on Consent Agenda.**  
**Request:** Adopt **Resolution No. 10230** authorizing Agreement No. 2015-216-COS with T-Mobile West, LLC, to allow T-Mobile access across City property.  
**Location:** 11989 N. 136<sup>th</sup> Street  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
9. **[Fiscal Year 2015/16 Capital Improvement Plan Budget Adjustments](#)** – **Approved on Consent Agenda.**  
**Request:** Adopt **Resolution No. 10247** authorizing FY 2015/16 capital improvement plan budget adjustments.  
**Staff Contact(s):** Derek Earle, City Engineer, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
10. **[AZcentral.com Food & Wine Experience Event](#)** – **Approved on Consent Agenda.**  
**Request:** Adopt **Resolution No. 10251** to authorize:
  1. Funding not to exceed \$75,000 from the City portion of bed tax allocated toward one-time commitment capital, event, and administration for the AZcentral.com Food & Wine Experience event.
  2. New Event Funding Agreement No. 2015-229-COS with R Entertainment Company, LLC.**Staff Contact(s):** Steve Geiogamah, Acting Tourism and Events Director, 480-312-4013, [sgeiogamah@scottsdaleaz.gov](mailto:sgeiogamah@scottsdaleaz.gov)
11. **[Monthly Financial Report](#)** – **Approved on Consent Agenda.**  
**Request:** Accept the FY 2015/16 Monthly Financial Report as of August 2015.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

12. [Public Safety Personnel Retirement System Appointment](#) – **Approved on Consent Agenda.**  
**Request:** Accept Mayor Lane's appointment of Jeffrey Burg as the Chair of the Public Safety Personnel Retirement System.  
**Staff Contact(s):** Rachel Smetana, Mayor's Chief of Staff, 480-312-7806, [rsmetana@scottsdaleaz.gov](mailto:rsmetana@scottsdaleaz.gov)
  
- \*\*\*13. [Murray v. City of Scottsdale Settlement Agreement](#) – **Approved on Consent Agenda.**  
**Request:** Adopt **Resolution No. 10256** authorizing settlement in the amount of \$65,000 of Janice Murray's negligence lawsuit against the City entitled *Murray v. City of Scottsdale*, Case No. CV2015-051378, currently pending in the Maricopa County Superior Court.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 14-17**

**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.**

14. [Video Services Rights-of-Way License Agreement](#)  
**Request:** Presentation, public hearing, and consideration of adopting **Resolution No. 10217** authorizing Agreement No. 2015-199-COS with Google Fiber Arizona, LLC, to install, operate, and maintain a communications infrastructure providing video services and high-speed internet service.  
**Presenter(s):** Brad Hartig, Chief Information Officer  
**Staff Contact(s):** Brad Hartig, Chief Information Officer, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov)  
– **Chief Information Officer Brad Hartig presentation.**  
– **Councilmember Korte made a motion to adopt Resolution No. 10217 authorizing Agreement No. 2015-199-COS with Google Fiber Arizona, LLC. Councilwoman Littlefield seconded the motion, which carried 6/1, with Councilwoman Milhaven dissenting.**
  
15. [Scottsdale Revised Code Section 2-221](#)  
**Request:** Presentation, discussion, and possible direction to staff regarding the use of Section 2-221(b)(1) and (5) of Scottsdale Revised Code for the disposition of City-owned real property or interests.  
**Presenter(s):** Dan Worth, Public Works Director  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)  
– **Public Works Director Dan Worth presentation.**  
– **Vice Mayor Smith made a motion to direct staff to bring back an ordinance amending the Scottsdale Revised Code to: (1) Specify, in Section 2-221(b)(5), that a sale to, or exchange with, adjacent an property owner be limited to properties that have an appraised or known value of less than \$100,000; and (2) delete the exchange provision in 2-221(b)(1). Councilman Phillips seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven dissenting.**  
– **Councilwoman Milhaven called the question. Councilwoman Klapp seconded the call.**

16. [Monthly Financial Update](#)

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

**Presenter(s):** Jeff Nichols, City Treasurer

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

**– City Treasurer Jeff Nichols presentation.**

17. [Fiscal Year 2014/15 Financial Update](#)

**Request:** City Treasurer's financial summary presentation for FY 2014/15.

**Presenter(s):** Jeff Nichols, City Treasurer

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

**– City Treasurer Jeff Nichols presentation.**

**Public Comment – None**

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## **CITIZEN PETITIONS**

### **ITEM 18**

**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.

18. **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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjournment – 7:18 P.M.**