

SCOTTSDALE

CITY COUNCIL MEETING



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

**[REWORDED CONSENT ITEM No. 21; ADDED ITEM No. A1,
CONSENT ITEMS NOS. 21A AND 21B, AND MAYOR AND COUNCIL ITEM No. 24]**

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, November 10, 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 17, 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 (Councilmember Korte participated telephonically and left the meeting at 7:26 p.m.).

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 – Troop and Pack 446, Leader Michael Smalley

Invocation – Pastor Bryan McAnally, Scottsdale Bible Church

Mayor's Report – Mayor Lane announced that, for the third straight year, the City was honored by the Center for Digital Government as one of the most strategic, efficient, and innovative guards of public-sector technology in the nation. The City was cited for its new mobile-responsive website, along with the Information Technology Department's efforts in leading regional public safety communications integration, consolidating the City's own public safety data infrastructure, and improving the Fire Department's electronic patient care records process. Chief Information Officer Brad Hartig accepted the award.

Presentations/Information Updates – None



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 Peterson and Jan Gehler reported on the successful partnership between Scottsdale schools and Scottsdale communities and introduced a new initiative called BUSS (Business United for Scottsdale Schools). Scott Calev expressed concern about the unity pledge letter that was distributed with the utility bills, indicating that it was done by a single councilmember. Councilmember Milhaven clarified for the record that a majority of the Council directed staff to send the letter. Bryan Ruth, Stanna Michelle Slater, and Mary Wilber 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.”**

ADDED ITEMS

Added Items: Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

*** A1. Added Items

Consent Item Nos. 21A and 21B were added to the agenda on November 5, 2015.

Request: Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is November 17, 2015.

– Councilwoman Littlefield made a motion to accept the agenda as presented. Councilwoman Klapp seconded the motion, which carried 7/0.

MINUTES

Request: Approve the [Special Meeting Minutes of October 20, 2015](#); [Regular Meeting Minutes of October 6, 2015](#) and [October 20, 2015](#); [Work Study Session Minutes of October 13, 2015](#); and Executive Session Minutes of October 20, 2015.

– Councilwoman Littlefield made a motion to approve the Special Meeting Minutes of October 20, 2015; Regular Meeting Minutes of October 6, 2015, and October 20, 2015; Work Study Session Minutes of October 13, 2015; and Executive Session Minutes of October 20, 2015. Councilwoman Milhaven seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-21B

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 Klapp made a motion to approve Consent Agenda Items 1 through 21B. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. **[Le Cordon Bleu College of Culinary Arts Scottsdale Liquor License \(90-LL-2015\)](#) – **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: 4301 N. Scottsdale Road, Suite 200
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
2. **[Simon's Hot Dogs Liquor License \(92-LL-2015\)](#) – **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 a new location and owner.
Location: 4280 N. Drinkwater Boulevard, Suite 200
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
3. **[Desert Rock Winery Liquor License \(93-LL-2015\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 13 (domestic farm winery) State liquor license for a new location and owner.
Location: 7302 E. Helm Drive, Suite 1002
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
4. **[The Bourbon Cellar Liquor License \(94-LL-2015\)](#) – **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: 32409 N. Scottsdale Road, Suite 107
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
5. **[Shake Shack Liquor License \(95-LL-2015\)](#) – **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: 7014 E. Camelback Road, Suite B116
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
6. **[Postino Highland Liquor License \(96-LL-2015\)](#) – **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: 4821 N. Scottsdale Road, Suite 103
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
7. **[Starbucks Coffee No. 22718 Liquor License \(97-LL-2015\)](#) – **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 a new location and owner.
Location: 7369 N. Via Paseo del Sur
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
8. **[Starbucks Coffee No. 23311 Liquor License \(98-LL-2015\)](#) – **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 a new location and owner.
Location: 3530 N. Goldwater Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**

9. **Starbucks Coffee No. 5327 Liquor License (99-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 a new location and owner.
Location: 15811 N. Frank Lloyd Wright Boulevard, Suite 135
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **Cornish Pasty Co. Liquor License (100-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: 3800 N. Goldwater Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
11. **Permanent Extension of Premises for Sushi Brokers (9-EX-2014) – 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 12 (restaurant) State liquor license.
Location: 17025 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
12. **Permanent Extension of Premises for Goldwater Brewing Co. (11-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 3 (domestic microbrewery) and a Series 7 (beer and wine bar) State liquor license.
Location: 3608 and 3616 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
13. **Miller Residence Abandonment (3-AB-2013) – Approved on Consent.**
Request: Adopt **Resolution No. 10264** extending the time to fulfill the conditions for abandoning the western 33-foot General Land Office Patent Easement (GLO) located along the N. 130th Way alignment and the northern three (3) feet of the northern 33-foot GLO easement, along E. Gold Dust Avenue, adjacent to parcel 217-31-020F, with Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: 13030 E. Gold Dust Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
14. **Cochise Estates Final Plat (8-PP-2014) – Approved on Consent.**
Request: Approve a final plat for a residential subdivision consisting of ten (10) lots and five (5) tracts on nine (9) acres located at the southeast corner of E. Shea Boulevard and N. 128th Street, with Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.
Location: 12804 and 12880 E. Cochise Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
15. **Fox Haven (Astoria) Final Plat (1-PP-2015) – Approved on Consent.**
Request: Approve a final plat for a seven (7) lot single-family residential subdivision with Single-Family Residential Planned Residential District (R1-18 PRD) zoning.
Location: 7930 E. Gold Dust Avenue and 7949 E. Cochise Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

16. **Arizona Canal Path from Chaparral Road to Indian Bend Wash Construction Bid Award – Approved on Consent.**
Request: Authorize **Resolution No. 10249** authorizing Construction Bid Award No. 15PB022 to Valley Rain Construction Corporation, the lowest responsive bidder, at a unit price bid of \$1,866,868.15 for the construction of a multi-use path along the Arizona Canal from Chaparral Road to the Indian Bend Wash.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
17. **North Corporation Yard Wireless License Agreement Amendment – Approved on Consent.**
Request: Adopt **Resolution No. 10245** authorizing Agreement No. 2008-153-COS-A2 with New Cingular Wireless PCS, LLC, permitting the installation of a diesel generator to upgrade the wireless site at the City of Scottsdale North Corporation Yard.
Location: 9191 E. San Salvador
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
18. **McDowell Sonoran Preserve Ordinance – Approved on Consent.**
Request: Adopt **Ordinance No. 4226** adding Section 21-17 to Chapter 21, Article III of the Scottsdale Revised Code pertaining to restrictions for livestock within the McDowell Sonoran Preserve.
Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
19. **Scottsdale Convention and Visitors Bureau Additional Event Request – Approved on Consent.**
Request: Adopt **Resolution No. 10252** approving the 2016 Native Trails Event as an “Additional Event” under the Destination Marketing Service Agreement No. 2012-053-COS with the Scottsdale Convention and Visitors Bureau.
Staff Contact(s): Steve Geiogamah, Acting Tourism and Events Director, 480-312-4013, sgeiogamah@scottsdaleaz.gov
20. **Arizona Criminal Justice Commission Full-Service Crime Laboratory Grant – Approved on Consent.**
Request: Adopt **Resolution No. 10225** to authorize:
 1. Agreement No. 2015-211-COS with the Arizona Criminal Justice Commission to accept an Arizona Criminal Justice Full-Service Forensic Crime Laboratory grant in the amount of \$104,000 to continue funding a forensic scientist supervisor position.
 2. A budget transfer in the amount of \$104,000 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 activities.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
- ***21. **Proposition 202 Funds Acceptance Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10234** to authorize:
 1. Agreement No. 2015-217-COS with the Fort McDowell Yavapai Nation to accept \$105,000 in Proposition 202 Tribal Gaming funds.
 2. A budget transfer in the amount of \$105,000 from the adopted FY 2015/16 Grant Contingency Budget and/or the Future Grants Budget and the creation of a new cost center to record the related grant activities.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov
- ***21A. **Proposition 202 Funds Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 10282** authorizing a budget transfer in the amount of \$765,000 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

- ***21B. [Mobile Integrated Healthcare Practice Report](#) – Approved on Consent.**
Request: Accept HonorHealth and Scottsdale Fire Department's first quarter report for a Mobile Integrated Healthcare Practice.
Staff Contact(s): Thomas Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
– Fire Chief Thomas Shannon presentation.

REGULAR AGENDA **ITEM 22**

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 Cultural Council Requests](#)**
Request: Presentation, discussion, and direction to staff regarding the Scottsdale Cultural Council supplemental funding requests totaling \$1,606,688, including providing direction on the use of FY 2014/15 year-end unreserved fund balance to fund their request.
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.**
- Scottsdale Cultural Council President Neale Perl presentation.**

Motion No. 1

– Councilwoman Littlefield made a motion to defer consideration of all or some of the items to the FY 2016/17 Operating Budget and Capital Improvement Plan process and to weigh the Scottsdale Cultural Council's needs along with all other City needs. Councilwoman Klapp seconded the motion, which failed 3/4, with Vice Mayor Smith and Councilmembers Korte, Milhaven, and Phillips dissenting.

Alternate Motion No. 1

– Councilmember Korte made an alternate motion to allocate \$450,000 to the Scottsdale Cultural Council for needed capital equipment or facility upgrades, as determined by the Scottsdale Cultural Council Board of Directors; provide up to \$100,000 in matching funds for Canal Convergence; and defer decisions on all other capital needs to the annual CIP budgeting process. Councilwoman Milhaven seconded the motion which failed, 3/4, with Mayor Lane, Vice Mayor Smith, and Councilmembers Klapp and Littlefield dissenting.

Alternate Motion No. 2

– Vice Mayor Smith made an alternate motion to fund the Scottsdale Cultural Council's entire \$1.6 million request. The motion died for lack of a second.

Motion No. 2

– Vice Mayor Smith made a motion to provide \$450,000 of capital funding in a manner to be determined by the Cultural Council Board in response to the City's contractual obligations, and to provide \$313,017 to fund the Cultural Council's supplemental request. Councilmember Korte seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Littlefield, and Phillips dissenting.

City Attorney Bruce Washburn clarified the Council Rules of Procedure related to Council reconsideration of motions.

Motion No. 3

– Vice Mayor Smith made a motion to allocate \$450,000 to the Scottsdale Cultural Council for needed capital equipment or facility upgrades, as determined by the Scottsdale Cultural Council Board of Directors; provide up to \$100,000 in matching funds for Canal Convergence; and defer decisions on all other capital needs to the annual CIP budgeting process. Councilwoman Milhaven seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Klapp and Littlefield dissenting.

Councilmember Korte left the meeting at 7:26 p.m.

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 23

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.

23. 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

ITEM 24

*****24. Request to Agendize a Work Study Session on the City’s Projected Capital Program**

Request: At the request of Vice Mayor Smith and Councilwoman Milhaven, direct staff to agendize, for a Work Study Session to be held in December 2015: “Presentation, discussion, and possible direction to staff on the City’s projected capital program, including spending plans for capital and maintenance of capital assets, minimum future capital needs, sources of available funding, any gap between needs and funding, and alternatives for closing any identified gap.”

Note: The only Council action to be taken on Item No. 24 is a decision on whether to agendize the referenced matter at a future Council meeting. No public comment will be taken at this time.

– Vice Mayor Smith made a motion to direct staff to agendize a discussion on the City’s projected capital program, including spending plans for capital and maintenance of capital assets, minimum future capital needs, sources of available funding, any gap between needs and funding, and alternatives for closing any identified gap for a Work Study Session to be held before the FY2016/17 budget discussions. Councilwoman Milhaven seconded the motion, which carried 6/0, with Councilmember Korte absent.

Tuesday, November 10, 2015

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Adjournment – 7:29 P.M.