

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 6, 2015**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:03 P.M. on Tuesday, October 6, 2015, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane
Vice Mayor David N. Smith
Councilmembers Suzanne Klapp, Kathleen S. Littlefield, Linda Milhaven,
and Guy Phillips

Absent: Councilmember Virginia Korte

Also Present: Acting City Manager Brian Biesemeyer
City Attorney Bruce Washburn
City Treasurer Jeff Nichols
City Auditor Sharron Walker
City Clerk Carolyn Jagger

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.

PRESENTATION/INFORMATION UPDATES – None

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

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.

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.

MOTION AND VOTE – MINUTES

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

- 1. No Que No! Mexican Grill Liquor License (87-LL-2015)**
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
- 2. Construction Phase Services Contract for the Hayden and Thunderbird Roads Waterline Replacements Project**
Request: Adopt **Resolution No. 10236** to authorize:
 1. 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.
 2. 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
- 3. Proposition 202 Grant Funds**
Request: Adopt **Resolution No. 10242** to authorize:
 1. 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.
 2. 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.
 3. 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

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

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

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

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

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

Item 9 was moved to the Regular Agenda.

10. Video Services Rights-of-Way License Agreement

(Removed at the request of staff)

11. WestWorld Office License Agreement

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

MOTION AND VOTE – CONSENT AGENDA

Councilwoman Milhaven made a motion to approve Consent items 1 through 11, absent Item 10, which was removed by staff, and Item 9, which was moved to the regular agenda. Vice Mayor Smith seconded the motion, which carried 6/0.

REGULAR AGENDA

9. Initiation of Special Events Ordinance Text Amendment

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

Assistant City Manager Brent Stockwell explained the reason for the request to initiate a Special Events Ordinance Text Amendment.

MOTION AND VOTE – ITEM 9

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.

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 gave a PowerPoint presentation (attached) on the benefits of being a member of the Maricopa Association of Governments.

MOTION AND VOTE – ITEM 12

Councilwoman Klapp made a motion to 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. 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

Acting City Manager Brian Biesemeyer gave a PowerPoint presentation (attached) on the forest and watershed health initiative.

MOTION AND VOTE – ITEM 13

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 gave a PowerPoint presentation (attached) on the request to establish the Citizens' Bond Oversight Committee.

MOTION NO 1 – ITEM 14

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.

MOTION NO. 2 AND VOTE – ITEM 14

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.

MOTION NO. 3 AND VOTE – ITEM 14

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 gave a PowerPoint presentation (attached) on the Scottsdale Gallery Association petition.

Mayor Lane opened public testimony.

The following spoke in support of rescinding the Artisan Markets special event permit:

- Andrea Zakrewski, Scottsdale gallery owner
- Brian Moore, Scottsdale merchant
- Shira Shnier, Scottsdale merchant
- Sima Verzino, Scottsdale restaurateur
- French Thompson, Scottsdale gallery owner
- Bob Pejman, Scottsdale gallery owner

The following spoke in opposition to rescinding the Artisan Market special event permit:

- Audrey Thacker, Artisan Markets
- Bobby Harr, Artisan Markets
- John Binkele, Artisan Markets

Mayor Lane closed public testimony.

MOTION AND VOTE – ITEM 15

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 the 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.

ALTERNATE MOTION NO. 1 – ITEM 15

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.

ALTERNATE MOTION NO. 2 – ITEM 15

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

CITIZEN PETITIONS

12. Receipt of Citizen Petitions

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 agendaize 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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

The Regular City Council Meeting adjourned at 8:18 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

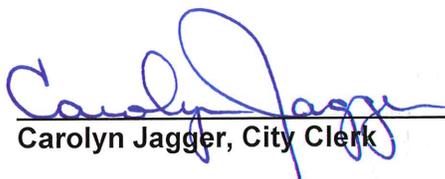
Officially approved by the City Council on November 10, 2015

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 6th day of October 2015.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 10th day of November 2015.



Carolyn Jagger, City Clerk

Item 12

***Maricopa Association of Governments
Payment of Annual Dues***

October 6, 2015

Maricopa Association of Governments

- Maricopa Association of Governments (MAG) established in 1967.
- Designated as a Metropolitan Planning Organization (MPO) in 1973.
- Urbanized areas with populations >50,000 are required to designate an MPO to coordinate federal planning requirements.

Maricopa Association of Governments

- MAG Members:
 - 27 incorporated cities and towns
 - 3 Native American Indian Communities
 - Maricopa and Pinal County
- Policies are developed by the Executive Committee (Mayor Lane is Chair).

Maricopa Association of Governments

- Annual dues are based on a city or town's population.
- At start of Recession, MAG cut member dues by 50%.
- Last year, dues returned to 100%.
- Annual dues are \$40,898 for the City of Scottsdale.
- Resolution No. 10240 authorizes payment of dues for FY2015/16.

Forest and Watershed Health Initiative: Northern Arizona Forest Fund

Brian K. Biesemeyer, PE
Director, Scottsdale Water



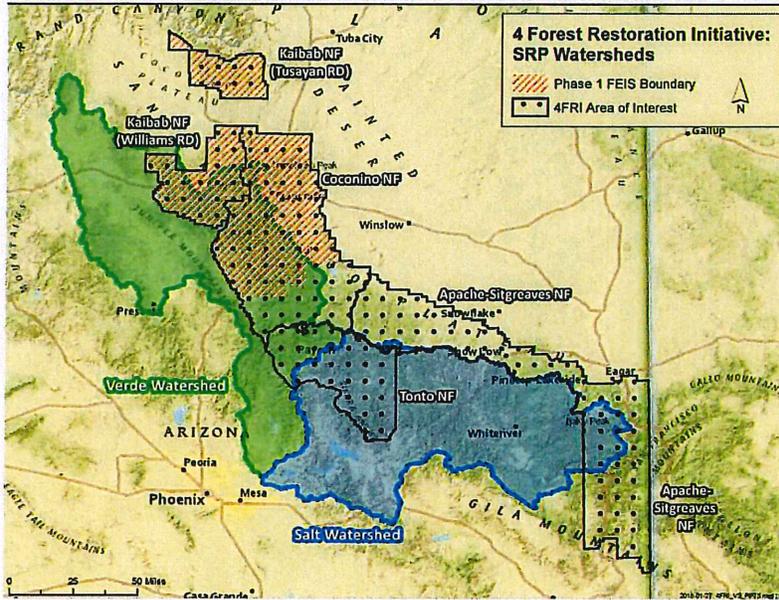
Water Sustainability through Stewardship, Innovation and People



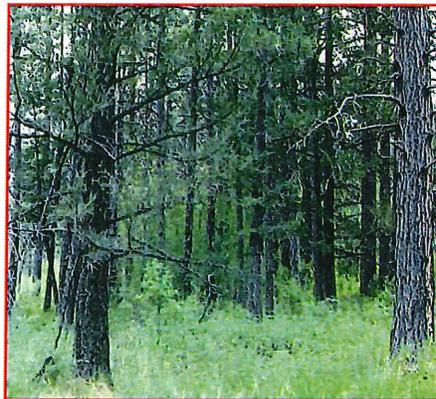
Salt River Project Watersheds



Salt River Project Watersheds



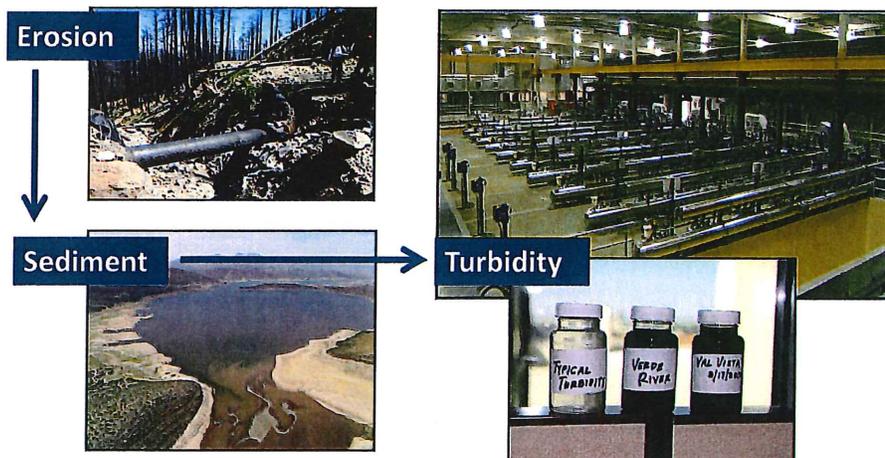
The Problem: Unhealthy Forests



Unhealthy Forests = Catastrophic Wildfires



Water Resource Impacts



Added Treatment Costs

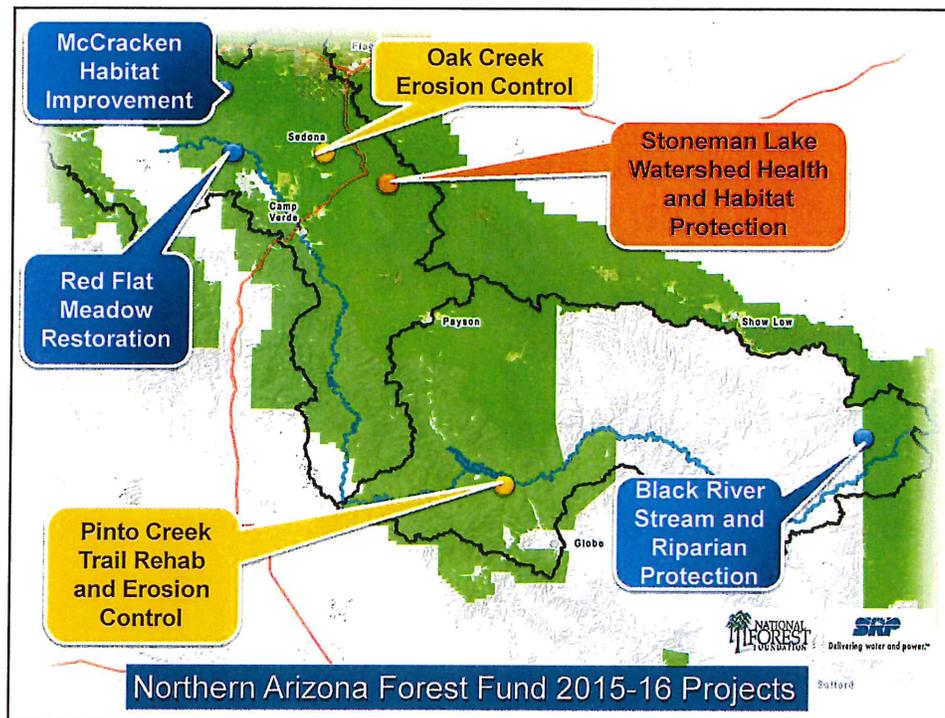
- Impaired watershed runoff translates into higher costs for rate payers:
 - Increased organic loading requires more GAC material to control Disinfection Byproducts (DBPs)
 - Capital deployed for new infrastructure and technology
 - Added sediment forces premature replacement of pumps, strainers, and filters

Success through Partnership



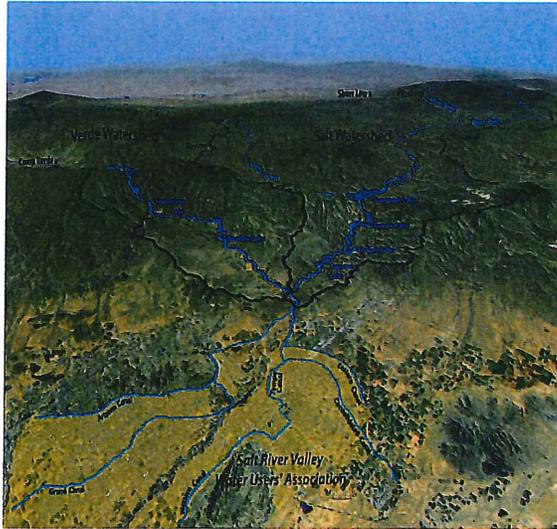
How it Works

- Funds are used for restoration projects in the Salt and Verde Watersheds:
 - Forest thinning and prescribed burning
 - Stream and Wetland Restoration
 - Habitat Improvement and Re-vegetation Projects
 - Sediment and Erosion Management



The direct benefits to the City of proactive, comprehensive management of our forests and watersheds include;

- Lowers water treatment and delivery costs,
- Protects the reliability of water supplies, and
- Minimizes the risk of costly infrastructure damage caused by fire and flooding



Questions?



Item 14



Ordinance 4225

Establish a Citizens' Bond Oversight Committee

**City Council
October 6, 2015**

Bond 2000 Citizens' Review Commission

- On May 1, 2000, the City Council adopted Ordinance No. 3322, establishing a new Citizens Bond Review Commission. The commission was dissolved March 3, 2011.
- The Citizens Bond Review Commission was an advisory group that monitored the City's progress in implementing capital projects funded by the voter-approved Bond 2000 Program.
- As an advisory group, the Commission periodically provided City Council with recommendations relative to progress on the Bond 2000 Program and any proposed funding modifications to the capital projects funded by the Program.



Resolution 10139

On June 2, 2015, Council passed Resolution 10139 calling for a bond election to be held on November 3, 2015.

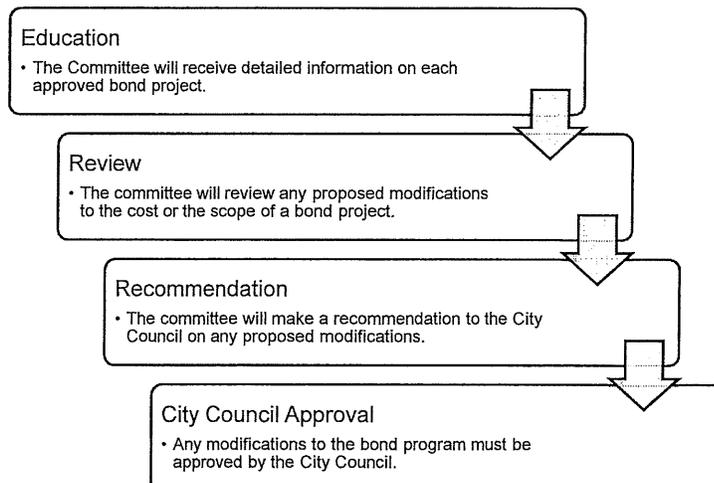
As part of Resolution 10139, Section 14 stipulated:

"If the qualified electors of the City approve any of the questions set forth in Exhibit A (Resolution 10139) hereto, the Council hereby authorizes and directs City staff to form a bond oversight committee comprised of residents of the City."

Members of the Citizens' Bond Oversight Committee will be selected by the City Council if one or more of the bond questions is approved by voters November 3, 2015.



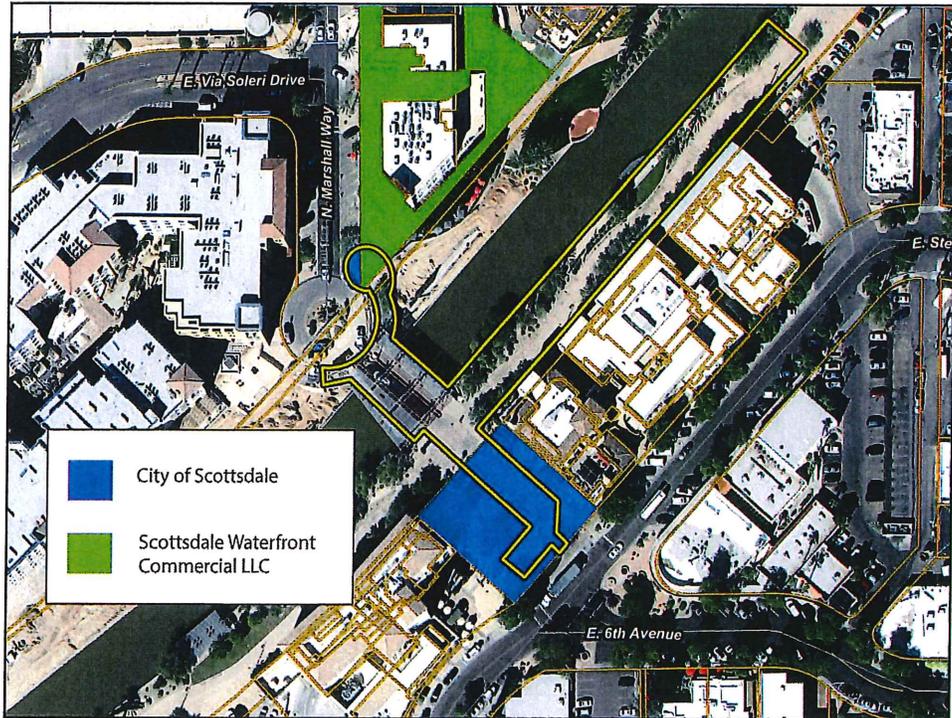
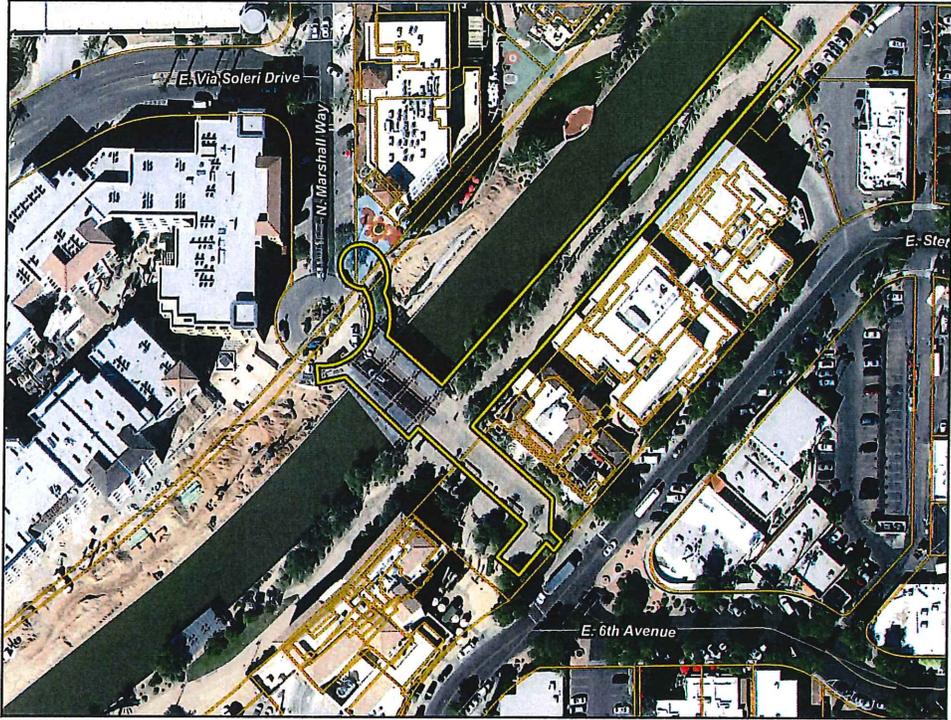
Anticipated Responsibility



Requested Action

Adopt Ordinance 4225 establishing the Citizens' Bond Oversight Committee in the event that one or more of the bond questions are approved by the Scottsdale qualified electors at the November 3, 2015 election.





Petition Request Summary

Direct the Special Events Committee to immediately rescind the permit issued to Artisan Markets on the Canal Bank.

- 1. Lack of authority to grant permits on public property.**
- 2. Permit fee constitutes a prohibited gift.**
- 3. Negative impacts of permit violate Special Events policy.**

109-SE-2015

Revocation Criteria

- 1. Failure to conduct the event as presented on the application.**
- 2. Failure to comply with special conditions in the approval.**
- 3. If the event poses a threat to public health, safety or welfare.**

109-SE-2015

Options

- 1. Ask the City Manager to review the permit**
- 2. Ask the City Manager to use the Special Event Ordinance revision process to address concerns**
- 3. Take no further action on the petition**

109-SE-2015