

SCOTTSDALE

CITY COUNCIL MEETING



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

[AMENDED ITEM NO. 22 TO ADD A REQUEST TO CONTINUE TO NOVEMBER 19, 2013]

COUNCIL

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

Linda Milhaven
Guy Phillips
Dennis E. Robbins

Tuesday, October 22, 2013

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 either November 12, 2013, or November 19, 2013.

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:05 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 – Cub Scout Pack 446, Leader Wayne Tallman

Invocation – Dr. David Johnson, Arizona Southern Baptist Convention

Mayor's Report – Mayor Lane announced that tomorrow evening, October 23, in keeping with a 27-year tradition, he will be hosting the awards ceremony for the Mayor's Committee on Employment of People with Disabilities. The ceremony, which is free to the public, starts at 7:00 P.M. at Chaparral Suites.

City Manager's Report – None

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 – Sandra Fox urged the City to complete the Granite Reef Watershed Project, so she would no longer be required to pay flood insurance premiums; Lois Fitch urged the City to complete the Granite Reef Watershed Project; William Barraza urged the City to complete the Granite Reef Watershed Project; J.C. Brooks spoke in support of allowing businesses to use private parking spaces for valet parking; and Mick Dalrymple, Global Institute of Sustainability with the Walton Sustainability Solutions Initiatives at Arizona State University, presented the City with copies of the Institute's Energy Efficiency Idea Guide. He noted that the Scottsdale Environmental Quality Advisory Board has selected five ideas from the guide to focus on for the City of Scottsdale.

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 comments 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 [Special Meeting Minutes of September 17, 2013](#); [Work Study Session Minutes of September 17, 2013](#); [Regular Meeting Minutes of September 24, 2013](#); and Executive Session Minutes of September 17, 2013.

– Vice Mayor Korte made a motion to approve the [Special Meeting Minutes of September 17, 2013](#); [Work Study Session Minutes of September 17, 2013](#); [Regular Meeting Minutes of September 24, 2013](#); and [Executive Session Minutes of September 17, 2013](#). Councilwoman Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA **ITEMS 1-21**

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.

– Councilman Robbins made a motion to approve Consent Items 1 through 21, absent Item 20, which was moved to the Regular Agenda. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. [Blu Burger Grille Liquor License \(83-LL-2013\)](#) – **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: 7366 E. Shea Boulevard, Suite 110
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [K O'Donnell's Bar and Grill Liquor License \(84-LL-2013\)](#) – **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: 14850 N. Northsight Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

3. **Cider Mill Liquor License (85-LL-2013) – 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 and new license.
Location: 7240 E. Main Street, Suites C-100 and B3C
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Notorious Burgers/Cuttlefish Liquor License (86-LL-2013) – 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: 8777 N. Scottsdale Road, Suite 308
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Scottsdale National Golf Club Liquor License (87-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 14 (private club) State liquor license for an existing location with a new owner.
Location: 29001 N. 122nd Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Bei Sushi Bar Asian Cuisine Liquor License (88-LL-2013) – 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: 2200 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Corner Store No. 1711 Liquor License (89-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 10 (beer and wine store) State liquor license.
Location: 2865 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **Tap House Kitchen Liquor License (90-LL-2013) – 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: 6137 N. Scottsdale Road, Suite B108
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Albertson's Store No. 955 Liquor License (91-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 9 (liquor store) State liquor license for an existing location and owner.
Location: 2785 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **Albertson's Store No. 983 Liquor License (92-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 9 (liquor store) State liquor license for an existing location and owner.
Location: 11475 E. Via Linda
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

11. **Albertson's Store No. 979 Liquor License (93-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 9 (liquor store) State liquor license for an existing location and owner.
Location: 34442 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
12. **Scottsdale Ridge Rezoning (7-ZN-2013) – Approved on Consent.**
Request: Adopt **Ordinance No. 4112** approving a zoning district map amendment from General Commercial District (C-4) to Highway Commercial District (C-3); and finding that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 1.43± acre parcel.
Location: 22001 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
13. **Scottsdale Road and Chauncey Lane Intersection Improvements General Fund Capital Contingency Budget Appropriation Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 9534** authorizing a FY 2013/14 General Fund Capital Contingency Budget Appropriation Transfer in the amount of \$64,665 to CIP Project Y1319, Intersection Mobility Enhancements, to restore the expenditure authority used in work that was paid for by contributions from Bell Lexus, and which involved the installation of the traffic signal and associated appurtenances at the intersection of Scottsdale Road and Chauncey Lane.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
14. **Sports Field Maintenance Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9514** authorizing Intergovernmental Agreement No. 2013-144-COS with Scottsdale Unified School District to allow the City to provide financial assistance to Scottsdale Unified School District to continue maintenance on sports fields at specific school sites, and to allow City staff and contractors to access these fields for the propose of periodic field rehabilitation.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
15. **Community Services of Arizona Property Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9548** authorizing Contract No. 2013-171-COS, a Security Agreement with Holiday Partners, LLC, that implements and perfects the City's security interest in the ownership of the single purpose entities formed by Holiday Partners to acquire and own certain Home Investment Partnership Program-funded properties located in Scottsdale.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
16. **Fiscal Year 2013/14 Tiered Event Support Funding Program – Approved on Consent.**
Request: Adopt **Resolution No. 9541** authorizing \$160,000 in bed tax funding to be allocated for identified event development per the FY 2013/14 Tiered Event Support Funding Program; and authorizing the Mayor to execute individual agreements with each event producer, as outlined in the Council Report.
Staff Contact(s): Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov

17. **Acquisition of State Trust Lands for the McDowell Sonoran Preserve – Approved on Consent.**
Request: Adopt **Resolution No. 9545** authorizing the City Manager, or designee, to submit bids and, if the City is the successful bidder, authorize staff to pay required deposits and provide complete payment to the Arizona State Land Department for the following property to be sold at auction on November 19, 2013, and declaring an emergency:
 1. Approximately 2,365 acres of State Trust Land, generally located west of 136th Street, east of 120th Street, north of Thunderbird Road, and south of Bell Road alignments.**Staff Contact(s):** Kroy Ekblaw, Strategic Projects/Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

18. **2014 Primary and General Elections – Approved on Consent.**
Request: Adopt **Resolution No. 9547**, calling the City of Scottsdale's Primary Election for Tuesday, August 26, 2014, and General Election, if necessary, for Tuesday, November 4, 2014, for the purpose of electing three Councilmembers.
Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

19. **Thomas Hill, et al. v. City of Scottsdale, et al. Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9536** authorizing Settlement Agreement No. 2013-152-COS providing for the payment of \$25,000 in order to settle the lawsuit entitled *Thomas Hill, et al. v. City of Scottsdale, et al.*, Case No. CV2012-011373, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

20. **Off-duty Police Services Code Amendment – Councilman Littlefield made a motion to adopt Ordinance No. 4111. Vice Mayor Korte seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Klapp and Robbins dissenting.**
Request: Adopt **Ordinance No. 4111** amending Sections 17-324 and 17-325 of the Scottsdale Revised Code relating to the regulation of off-duty police services.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

21. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2013/14 Monthly Financial Report as of August 2013.
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov

REGULAR AGENDA ITEMS 22-26

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 Mountain Villas Rezoning (3-ZN-2013) – Councilman Littlefield made a motion to continue Item 22 to November 19, 2013. Councilwoman Milhaven seconded the motion, which carried 7/0.**
- Requests:**
1. At the request of the applicant, continue to November 19, 2013.
 2. If the continuance is not granted: Adopt **Ordinance No. 4097** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Single-Family Residential, Environmentally Sensitive Lands (R1-5 ESL) zoning; finding that the

proposed zoning district map amendment is consistent and conforms with the adopted General Plan on approximately 5± acres.

Location: South side of E. Coyote Road, west of N. 135th Place

Presenter(s): Keith Niederer, Senior Planner

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

Public Comment Note: No public comment will be taken on Item No. 22 until after the vote to continue has been taken and only if the continuance is denied.

23. **Public Hearing on Proposed Water and Wastewater Land Use Assumptions and Infrastructure Improvement Plans**

– Water Resources Executive Director Brian Biesemeyer presentation.

– No public comments were received.

– Councilman Littlefield requested information on the City’s legal public service impact fees and the current growth assumptions used by City departments.

Request: Accept citizen comments at a public hearing regarding proposed water and wastewater land use assumptions and water and wastewater infrastructure improvements plans related to proposed changes to impact fees.

Presenter(s): Brian Biesemeyer, Water Resources Executive Director

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

24. **Bellevue Properties Construction Phase Services Contract – Vice Mayor Korte made a motion to adopt Resolution 9540 authorizing Construction Manager at Risk Contract 2013-155-COS, in the amount of \$636,966.94, with Habitat for Humanity of Central Arizona for rehabilitation of City purchased properties at 7220 and 7224 East Bellevue Street. Councilwoman Klapp seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Littlefield and Phillips dissenting.**

Request: Adopt **Resolution No. 9540** authorizing CM@Risk Contract No. 2013-155-COS with Habitat for Humanity of Central Arizona, in the amount of \$636,966.94, for construction phase services for rehabilitation of City-purchased properties.

Location: 7220 and 7224 E. Bellevue Street

Presenter(s): Derek Earle, City Engineer

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

25. **Monthly Financial Update – City Treasurer Jeff Nichols presentation**

Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial update as of September 2013.

Presenter(s): Jeff Nichols, City Treasurer

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

26. **Fiscal Year 2012/13 Financial Update – City Treasurer Jeff Nichols presentation**

Request: City Treasurer’s financial summary presentation for Fiscal Year 2012/13.

Presenter(s): Jeff Nichols, City Treasurer

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

Public Comment – None

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CITIZEN PETITIONS

ITEM 27

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.

27. 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 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

Mayor and Council Items – None

Adjournment – 6:43 P.M.