

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

## **MEETING NOTICE AND AGENDA**



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### **COUNCIL**

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

Linda Milhaven  
Guy Phillips  
David N. Smith

**Tuesday, January 6, 2015**

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***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 (January 13, 2015).***

**4:00 P.M.**

**MARKED AGENDA**

**COUNCIL INAUGURATION**

**Call to Order – 4:03 P.M.**

**Introduction – Mayor W. J. "Jim" Lane**

**Oath of Office –** Incoming City Councilmembers Kathy Littlefield, Linda Milhaven, and David Smith, administered by City Clerk Carolyn Jagger

**Remarks –** Mayor W.J. "Jim" Lane; members of the City Council

**Adjourn – 4:20 P.M.**

**5:00 P.M.**

**REGULAR CITY COUNCIL MEETING**

**Call to Order – 5:00 P.M.**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**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).***



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).

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**Pledge of Allegiance – Girl Scout Junior Troop 124, Troop Leaders Erin McKallor-Quill, Tamara Rinck, and Melissa Jones**

**Invocation – Father Gregory Schlarb, Our Lady of Perpetual Help**

**Mayor’s Report – Mayor Lane remarked on current police relations in the City and the Country.**

**Presentations/Information Updates – None**

**Public Comment – Michael Fernandez spoke about dark money campaign contributions. Carol Ziffrin submitted a citizen’s petition asking the Council to extend the Number 72 bus route by 1.9 miles. Sandy Schenkat expressed concern about dark money campaign contributions. Deanna Peters submitted a citizen’s petition asking the Council to revise the homeowner’s vacation rental ordinance. Sonnie Kirtley and Chris Schaffner, representing COGS, welcomed the new Councilmembers.**

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.”**

## **MINUTES**

**Request:** Approve Special Meeting Minutes of [November 18 \(4:00 p.m.\)](#); [November 18 \(5:00 p.m.\)](#); [December 1 \(4:00 p.m.\)](#); [December 1 \(5:00 p.m.\)](#); and [December 2, 2014](#); [Work Study Session Minutes of December 2, 2014](#); and Executive Session Minutes of December 1, 2014.

**– Councilmember Korte made a motion to approve the Special Meeting Minutes of November 18 (4:00 p.m.); November 18 (5:00 p.m.); December 1 (4:00 p.m.); December 1 (5:00 p.m.); and December 2, 2014; Work Study Session Minutes of December 2, 2014; and Executive Session Minutes of December 1, 2014. Vice Mayor Phillips seconded the motion, which carried 7/0.**

## **CONSENT AGENDA ITEMS 1-15**

**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 Items 1 through 15. Councilwoman Klapp seconded the motion, which carried 7/0.**

1. **[Nori Sushi Liquor License \(120-LL-2014\)](#) – 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:** 10115 E. Bell Road, Suite 109

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

2. **Twisted Root No. 1 Liquor License (121-LL-2014) – 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:** 8220 N. Hayden Road, Suite C112  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **Walgreens No. 13758 Liquor License (122-LL-2014) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9 (liquor store) State liquor license for an existing location with a new owner.  
**Location:** 6200 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **Blur Liquor License (125-LL-2014) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.  
**Location:** 7419 E. Indian Plaza Drive, Suite A  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **Carvalhos Liquor License (126-LL-2014) – 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:** 23623 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **Chez Vous Liquor License (127-LL-2014) – 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:** 8787 N. Scottsdale Road, Suite 228  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
7. **Days Inn Hotel/Papi Chulo's Liquor License (128-LL-2014) – 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 6 (bar) State liquor license.  
**Location:** 5101 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
8. **The Upton Liquor License (129-LL-2014) – 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:** 7216 E. Shoeman Lane  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
9. **Thirsty Lion Gastropub & Grill Liquor License (130-LL-2014) – 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 1423  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

10. [Wild Ocean Fresh Seafood Market & Grille Liquor License \(131-LL-2014\)](#) – **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:** 8876 E. Pinnacle Peak Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
11. [First Avenue Townhomes Final Plat \(4-PP-2014\)](#) – **Approved on Consent.**  
**Request:** Approve the final plat for a 6-unit townhome development located at the southeast corner of E. 1<sup>st</sup> Avenue and N. 69<sup>th</sup> Street.  
**Location:** 6901 E. 1<sup>st</sup> Avenue  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
12. [Northeast Pump Back Station Construction Bid Award](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9986** authorizing Construction Bid Award No. 15PB004 to Degan Construction, LLC, the lowest responsive bidder, at the unit price bid of \$423,883, for construction improvements to the Northeast Pump Back Station.  
**Location:** 13053 N. 87<sup>th</sup> Street  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
13. [Capital Improvement and Facilities Projects On-Call Electrical Engineering Services Contract Modification](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9987** authorizing On-Call Engineering Services Contract Modification No. 2013-185-COS-A1 with Kimley-Horn and Associates, Inc., for the second year option.  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
14. [Naming of Gym Office](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9981** authorizing the Boys & Girls Club of Greater Scottsdale to name the gym office located within the Eldorado Community Center the “Ron Burger Sports Office.” Council approval of this request is required by Contract No. 1997-068-COS-A2.  
**Location:** 2311 N. Miller Road  
**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
15. [Clark, et al. v. City of Scottsdale Settlement Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10001** authorizing settlement in the amount of \$855,000 of Cody Clark, Todd Clark, and Sandra Clantons’ negligence lawsuit against the City entitled *Clark, et al. v. City of Scottsdale*, Case No. CV13-001476, 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 ITEM 16

**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.**

16. **East Valley Partnership Membership – Councilmember Korte made a motion to adopt Resolution No. 10006 authorizing the City’s payment of membership dues in the amount of \$3,750 to the East Valley Partnership for the period of January 1, 2015 through June 30, 2015. Councilwoman Milhaven seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Klapp and Smith dissenting.**

**Request:** Adopt **Resolution No. 10006** authorizing the City’s payment of membership dues in the amount of \$3,750 to the East Valley Partnership for the period of January 1, 2015 through June 30, 2015.

**Presenter(s):** Danielle Casey, Economic Development Director

**Staff Contact(s):** Danielle Casey, Economic Development Director, 480-312-7601, [dcasey@scottsdaleaz.gov](mailto:dcasey@scottsdaleaz.gov)

## **MAYOR AND COUNCIL ITEM 17**

17. **Ethics Refresher Training – City Attorney Bruce Washburn presentation.**

On May 2, 2006, the Scottsdale City Council adopted Resolution No. 6879 and Ordinance No. 3675 establishing the City of Scottsdale Public Service Ethics Program and a Code of Ethical Behavior related to elected and appointed officials, which became effective July 1, 2006. The City’s Ethics Program and the Code require that the Councilmembers receive annual ethics training.

This ethics training for the City Council will include the following components:

1. A discussion of the requirements of the Code of Ethical Behavior that are most frequently implicated in the Councilmembers’ activities.
2. An update on any changes that might have occurred in the last year relating to the Code of Ethical Behavior.
3. An opportunity for Councilmembers to raise any issues of particular concern to them.

The training session is instructional and informational. No public business will be considered; however, City Councilmembers may engage in discussion about ethics issues as part of this training session.

**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

### **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 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**

**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)

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**– Councilwoman Littlefield made a motion to direct the City Manager to investigate the petition submitted by Carol Ziffnir asking the Council to extend the Number 72 bus route by 1.9 miles, and prepare a written response to the Council, with a copy to the petitioner. Councilwoman Milhaven seconded the motion, which carried 7/0.**

**– Vice Mayor Phillips made a motion to direct the City Manager to investigate the petition submitted by Deanna Peters asking the Council to revise the homeowner’s vacation rental ordinance, and prepare a written response to the Council, with a copy to the petitioner. Mayor Lane seconded the motion, which carried 7/0.**

**Mayor and Council Items – None**

**Adjournment – 7:01 P.M.**