

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



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

**[ITEM No. 16 CONTINUED TO MARCH 19, 2013 AND ADDED ITEM NOS. A1 AND 15A]**

### **COUNCIL**

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

Linda Milhaven  
Guy Phillips  
Dennis E. Robbins

**Tuesday, February 26, 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 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 (March 5, 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 – Junior Girl Scout Troop 1131, Troup Leader Sharla Godbehere.**

**Invocation – Pastor Kurt Notehelfer, Paradise Christian Church**

**Mayor's Report – None**

**City Manager's Report – Planning, Neighborhood, and Transportation Administrator Randy Grant provided a brief update on the General Plan process.**

**Presentations/Information Updates – None**

**Public Comment – None**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during the meeting. Public Comment time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



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).

## 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 No. 15A was added to the agenda February 22, 2013. – **Councilman Robbins moved to approve the agenda as presented. Councilwoman Milhaven seconded the motion, which carried 7/0.**

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is March 5, 2013.

## MINUTES

**Request:** Approve the [Regular Meeting Minutes of January 22, 2013](#).

– **Councilman Robbins moved to approve the Regular Meeting Minutes of January 22, 2013. Vice Mayor Klapp seconded the motion, which carried 7/0.**

## CONSENT AGENDA ITEMS 1-15A

**How the Consent Agenda Works:** The Council may take one vote to act on all 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 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.

– **Vice Mayor Klapp moved to approve Consent Items 1 through 15A absent Item 6, which was moved to the Regular Agenda. Councilman Robbins seconded the motion, which carried 7/0.**

### 1. [Pearl Live Liquor License \(129-LL-2012\)](#) – **Approved on Consent.**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

**Location:** 20715 N. Pima Road, Suite F-100

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

### 2. [Buzzberry and Bistro Liquor License \(3-LL-2013\)](#) – **Approved on Consent.**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location and owner.

**Location:** 5959 N. Granite Reef Road

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

3. **Wild Knight Liquor License (4-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.  
**Location:** 4405 N. Saddlebag Trail – **Approved on Consent.**  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **Permanent Extension of Premises for Jalapeno Inferno (1-EX-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a series 12 (restaurant) liquor license.  
**Location:** 23587 N. Scottsdale Road, Suite C-11  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **EI Rancho Development Agreement and Conditional Use Permit (19-UP-2012) – Approved on Consent.**  
**Requests:**
  1. Adopt **Resolution No. 9326** authorizing Development Agreement No. 2013-034-COS, the first amendment to a development agreement with JM, Inc., to allow live entertainment.
  2. Adopt **Resolution No. 9321** approving a Conditional Use Permit for live entertainment at an existing 2,600± square-foot restaurant with Central Business District (C-2) zoning.**Location:** 3030 N. 68<sup>th</sup> Street (Southwest corner of E. Avalon Drive and N. 68<sup>th</sup> Street)  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
6. **Verizon PHO Sundown Conditional Use Permit (23-UP-2012)**  
**– Councilman Littlefield moved to continue the item until a broader policy to address these types of requests is developed. Councilmember Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.**  
**– Councilwoman Milhaven moved to find that the conditional use permit criteria have been and to adopt Resolution No. 9322 approving a new Type 4 Alternative Concealment Wireless Communication Facility (WCF) to be located within a new 26-foot-tall artificial cactus, with associated ground mounted equipment, with Service Residential (S-R) zoning, subject to the stipulations. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**  
**Request:** Adopt **Resolution No. 9322** approving a new Type 4 Alternative Concealment Wireless Communication Facility (WCF) to be located within a new 26-foot-tall artificial cactus, with associated ground mounted equipment, with Service Residential (S-R) zoning, subject to the stipulations; and finding that the conditional use permit criteria have been met.  
**Location:** 8202 E. Cactus Road  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
7. **Herb Box Outdoor Dining License Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9211** authorizing Outdoor Dining License Agreement No. 2012-158-COS with Southbridge Scottsdale Investors LLC for an outdoor dining patio.  
**Location:** 7134 E. Stetson Drive, Suite 200  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
8. **Water Booster Station Improvements Engineering Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9318** authorizing Engineering Services Contract No. 2013-031-COS with GHD, Inc., in the amount of \$213,000, to provide design services for the Water Booster Pump Station 42B and Site 71 Well Site and Water Booster Pump Station Project.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)

9. **[Intelligent Transportation Systems Construction Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9317** authorizing Job Order Contract No. 2013-030-COS with CS Technologies, LLC for citywide intelligent transportation construction and repair projects.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)**
10. **[Regional Community Network Intergovernmental Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9286** authorizing Intergovernmental Agreement No. 2013-003-COS with Maricopa Association of Governments for the Regional Community Network Project equipment maintenance.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)**
11. **[Tempe Transit Fuel Intergovernmental Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9206** authorizing Intergovernmental Agreement No. 2012-157-COS with the City of Tempe for the purpose of purchasing transit vehicle fuel and funding associated costs.  
**Staff Contact(s):** David Meinhart, Transportation Director, 480-312-7010, [dmeinhart@scottsdaleaz.gov](mailto:dmeinhart@scottsdaleaz.gov)**
12. **[Fire Department-Delivered Training and Education Intergovernmental Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9284** to authorize:
  1. Intergovernmental Agreement No. 2013-001-COS with the Maricopa County Community College District (MCCCD) to provide college credit for Fire Department-delivered training and education.
  2. A budget authority transfer of \$25,000 for FY 2012/13 from the General Fund operating contingency to the Fire Department's General Fund operating budget for the costs associated with providing college credit for Fire Department-delivered training and education. MCCCD will reimburse the City for all costs resulting in a net \$0 impact.**Staff Contact(s):** Alan Rodbell, Public Safety Executive Director, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)**
13. **[Fire Department Arson Investigators Code Amendment](#) – **Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4067** adding Section 23-4 to the Scottsdale Revised Code to authorize existing Fire Department personnel to be designated as arson investigators.  
**Staff Contact(s):** Alan Rodbell, Public Safety Executive Director, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)**
14. **[McDowell Sonoran Preserve State Land Use Permit](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9334** authorizing Contract No. 2013-037-COS, a two-year agreement with Arizona State Land Department, for a Special Land Use Permit allowing the City to construct gates and fencing to manage non-motorized recreational access on State Trust Lands adjoining the McDowell Sonoran Preserve.  
**Staff Contact(s):** Kroy Ekblaw, Strategic Projects/Preserve Director, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov)**
15. **[Community Services of Arizona Legal Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9328** authorizing Professional Services Contract No. 2012-082-COS-A2 with Gust Rosenfeld, PLC, in an amount not to exceed \$50,000, for the provision of legal services related to negotiations with Community Services of Arizona, Inc., including drafting, reviewing, and revising relevant real estate and related documents. This amount is in addition to funding approved under Contract Nos. 2012-082-COS and 2012-082-COS-A1.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)**

- \*\*\*15A. [7220 and 7224 E. Belleview Land Acquisition](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9346** authorizing the acquisition by dedication, donation, purchase, or the exercise of the power of eminent domain that real property generally described as 7220 and 7224 E. Belleview, Scottsdale, Arizona, for the purpose of providing affordable rental housing to low income households.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

## **REGULAR AGENDA**      **ITEMS 16-22**

**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 any regular agenda or public hearing item.**

- \*\*\*16. [Alta Scottsdale Non-Major General Plan Amendment and Rezoning \(6-GP-2012 and 11-ZN-2012\)](#)

(Continued to March 19, 2013 at the request of the applicant)

**Public Comment Note:** Item Nos. 17 and 18 will be presented together. Speakers will be given one opportunity to address the Council on one or both items.

17. [Scottsdale's Museum of the West Management Agreement](#) – **Mayor Lane moved to:**  
**(1) Adopt Resolution No. 9307 authorizing Museum Management Agreement No. 2013-025-COS with Scottsdale Museum of the West, Inc., with the following amendments: (a) change Paragraph 5 to include the words “and the Specialty Work” after the words “the Shell Work”; (b) amend Paragraph 5.2, to change the word “Manager” to “City” in both places; and (c) strike Paragraph 3.2.2.3.2.**  
**(2) Direct staff to reserve \$2,000,000 from the bed tax carryover to provide up to \$400,000 in matching funds each year for the next five years.**  
**(3) Direct staff to transfer \$900,000 from bed tax carryover funds to the Debt Service Fund to provide a debt service reserve equal to one year's debt service.**  
**(4) Find that the proposal consists of two separate projects and the debt service reserve has been met; thus, the need to waive the financial policies has been eliminated and Ordinance No. 4071 does not need to be adopted.**  
**Councilman Robbins seconded the motion, which carried 7/0.**  
**Requests:**  
1. Adopt **Resolution No. 9307** authorizing Museum Management Agreement No. 2013-025-COS with Scottsdale Museum of the West, Inc.  
2. Adopt **Ordinance No. 4071** waiving certain financial policies and governing guidance related to municipal financing of Scottsdale's Museum of the West.  
**Presenter(s):** Rob Millar, Strategic Programs Manager; David N. Smith, City Treasurer  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
18. [Scottsdale's Museum of the West Pre-Construction Services Contract](#) – **Mayor Lane moved to adopt Resolution No. 9285 authorizing: (1) Design Build Manager Pre-Construction Services Contract No. 2013-002-COS with Core/LGE, in the amount of \$683,415; a joint venture for Scottsdale's Museum of the West; (2) A new CIP project titled Scottsdale's Museum of the West to record all related financial transactions; and (3) A budget appropriation transfer totaling \$6,528,409 from project D0211, Loloma District Museum, to the new CIP project to be funded by MPC bonds. Vice Mayor Klapp seconded the motion, which carried 7/0.**  
**Request:** Adopt **Resolution No. 9285** to authorize:

1. Design Build Manager Pre-Construction Services Contract No. 2013-002-COS with Core/LGE, in the amount of \$683,415; a joint venture for Scottsdale's Museum of the West.
2. A new CIP project titled Scottsdale's Museum of the West to record all related financial transactions.
3. A budget appropriation transfer totaling \$6,528,409 from project D0211, Loloma District Museum, to the new CIP project to be funded by MPC bonds.

**Presenter(s):** Derek Earle, Acting Public Works Executive Director

**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)

19. **Active and Retired Employee Medical Plans and Premiums – Vice Mayor Klapp moved to adopt Resolution No. 9313 authorizing Fiscal Year 2013/14 medical and dental plan contribution rates for active and retired employees and payment of an incentive to active employees who are covered for medical benefits and participate in the City's wellness screening program. Councilwoman Milhaven seconded the motion, which carried 7/0.**

**Request:** Adopt **Resolution No. 9313** to authorize:

1. Fiscal Year 2013/14 medical and dental plan contribution rates for active and retired employees.
2. Payment of an incentive to active employees who are covered for medical benefits and participate in the City's wellness screening program.

**Presenter(s):** Ken Nemecek, Human Resources Manager

**Staff Contact(s):** David N. Smith, City Treasurer, 480-312-2364, [dasmith@scottsdaleaz.gov](mailto:dasmith@scottsdaleaz.gov); Bernadette La Mazza, Acting Human Resources Executive Director, 480-312-7237 [blamazza@scottsdaleaz.gov](mailto:blamazza@scottsdaleaz.gov)

20. **Fiscal Year 2013/14 Goals and Objectives – Strategic Initiatives Director Brent Stockwell presentation.**

**Request:** Presentation, discussion, and possible direction to staff regarding the draft FY 2013/14 key objectives developed to further the City's mission and strategic goals.

**Presenter(s):** Brent Stockwell, Strategic Initiatives Director

**Staff Contact(s):** Dan Worth, Acting City Manager, 480-312-2811, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

21. **Legislative Update – Government Relations Director Brad Lundahl presentation.**

**Request:** Receive an update, discuss, and provide possible direction regarding current and pending State legislative issues and policies.

**Presenter(s):** Brad Lundahl, Government Relations Director

**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)

22. **Monthly Financial Update – Accounting Director Joyce Gilbride presentation.**

**Request:** Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of January 2013.

**Presenter(s):** Joyce Gilbride, Accounting Director

**Staff Contact(s):** David N. Smith, City Treasurer, 480-312-2364, [dasmith@scottsdaleaz.gov](mailto:dasmith@scottsdaleaz.gov)

### **Public Comment – None**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during the meeting. Public Comment time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**

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

**Mayor and Council Items – None**

**Adjournment – 9:17 P.M.**