

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED REGULAR ITEM No. 29 AND RECORDED REGULAR ITEM No. 32]

COUNCIL

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

Linda Milhaven
Guy Phillips
Dennis E. Robbins

Tuesday, May 13, 2014

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 (June 3, 2014).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:31 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 – Brownie Troop 587, Troop Leader Lisa Reese

Invocation – Mayor Lane requested a moment of silence for the kidnapped school girls in Nigeria, the strife in the Ukraine, and fallen Mesa Police Officer Brandon Mendoza.

Mayor's Report – Mayor Lane thanked Vice Mayor Korte for her service as Vice Mayor and announced that Councilman Phillips will begin his service as Vice Mayor on June 1, 2014.

City Manager's Report – Parks and Recreation and Human Services Director Jan Cameron introduced the CAPRA accreditation team. The team chair, Pamela Sloan, gave a brief presentation on the CAPRA Accreditation Program.

Presentations/Information Updates – None

Public Comment – Katie Mayer commented on criminal activity in her community.



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).

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."**

CONSENT AGENDA ITEMS 1-27

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 Agenda Items 1 through 27, absent Item 21. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. **[The Local Tap and Table Liquor License \(17-LL-2014\)](#) – **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: 2730 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
2. **[Los Olivos Mexican Patio Liquor License \(30-LL-2014\)](#) – **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 12 (restaurant) State liquor license.
Location: 7328 2nd Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
3. **[Humble Pie Pizza Wine and Spirits Liquor License \(31-LL-2014\)](#) – **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 12 (restaurant) State liquor license.
Location: 6149 N. Scottsdale Road, Suite A-1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
4. **[Monroe's Bar and Grill Liquor License \(32-LL-2014\)](#) – **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: 9719 N. Hayden Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
5. **[Scottsdale Villa Mirage Resort Liquor License \(33-LL-2014\)](#) – **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 12 (restaurant) State liquor license.
Location: 7887 E. Princess Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**

6. **Scottsdale Links Resort Liquor License (34-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 10 (beer and wine store) State liquor license.
Location: 16858 N. Perimeter Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **La Fontana Trattoria Pizzeria Liquor License (37-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: 8018 E. Thomas Road, Suite 1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **Arriba Mexican Grill Liquor License (38-LL-2014) – 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 12 (restaurant) State liquor license.
Location: 15236 N. Pima Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Arriba Mexican Grill Liquor License (39-LL-2014) – 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 3 (microbrewery) State liquor license.
Location: 15236 N. Pima Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **Permanent Extension of Premises for Bogey's (7-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 Bogey's.
Location: 14700 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
11. **Hawknest Abandonment (5-AB-2013) – Approved on Consent.**
Request: Adopt **Resolution No. 9641** approving the abandonment of 15 feet of right-of-way along E. Hawknest Road and 5 feet of right-of-way along N. 84th Street, with Single-Family Residential District, Environmentally Sensitive Lands (R1-43 ESL) and (R1-35 ESL) zoning.
Location: Near the Southeast corner of E. Hawknest Road and N. 84th Street
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
12. **Desert Song Final Plat (5-PP-2013) – Approved on Consent.**
Request: Approve a final plat for a new 22-lot single-family residential subdivision on a 40-acre parcel zoned Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL).
Location: Southwest corner of N. Pima Road and E. Westland Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

13. **Casa Buena Final Plat (11-PP-2013) – Approved on Consent.**
Request: Approve a final plat amendment for the existing Casa Buena Subdivision plat to remove Tract “A” (to be replatted with the Scottsdale Bible Church final plat), with Single-Family Residential District, Planned Residential District (R1-18/PRD) zoning.
Location: 7601 E. Shea Boulevard
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
14. **Scottsdale Bible Church Final Plat (12-PP-2013) – Approved on Consent.**
Request: Approve a final plat for the Scottsdale Bible Church site (to include the existing Tract “A” from the adjacent Casa Buena Subdivision plat), with Single-Family Residential District (R1-35) zoning.
Location: 7601 E. Shea Boulevard
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
15. **Legacy Cove Final Plat (14-PP-2013) – Approved on Consent.**
Request: Approve a final plat for a new 19-lot, single-family residential subdivision, with Single-Family Residential, Environmentally Sensitive Lands (R1-10 ESL) zoning.
Location: 9451 E. Union Hills Drive (northeast corner of Union Hills Drive and 94th Street)
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
16. **Carefree 60 Final Plat (15-PP-2013) – Approved on Consent.**
Request: Approve a final plat for a new 42-lot single-family residential subdivision on an approximate 14.70-acre parcel, with Single-Family Residential, Environmentally Sensitive Lands (R1-7 ESL) zoning.
Location: 34577 N. 60th Street
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
17. **7605 E. Hartford Drive Rezoning (4-ZN-2014) – Approved on Consent.**
Request: Adopt **Ordinance No. 4151** approving a Zoning District Map Amendment to amend the Planned Community District (P-C) zoning from a comparable Central Business District (C-2) zoning to Planned Community District (P-C), with comparable Single-Family Residential District (R1-7) zoning uses and site development standards on an approximate .24± acre property (parcel 215-08-756).
Location: Parcel directly west of 7605 E. Hartford Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
18. **Citywide Heavy Site/Civil Construction Services Job Order Contract Modifications – Approved on Consent.**
Request: Adopt **Resolution No. 9700** authorizing the following fourth year option Job Order Contract modifications for citywide heavy site/civil construction services:
 1. Contract No. 2011-005-COS-A2 with Hunter Contracting Co.
 2. Contract No. 2011-006-COS-A2 with Nesbitt Contracting Co., Inc.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
19. **Citywide Vertical Construction Services Job Order Contract Modification – Approved on Consent.**
Request: Adopt **Resolution No. 9741** authorizing Job Order Contract Modification No. 2013-039-COS-A3 with Balfour Beatty Construction, LLC, for citywide vertical construction services.
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

20. **Surplus Property Conveyance – Approved on Consent.**
Request: Adopt **Resolution No. 9746** authorizing the sale of a City-owned single tenant office building to Raptor Funding Group in the amount of \$701,340.
Location: 9388 E. San Salvador Drive
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
21. **National Cutting Horse Association Days WestWorld Event Agreement – Councilman Phillips made a motion to adopt Resolution No. 9747 authorizing a contract with Arizona Cutting Horse Association to hold the National Cutting Horse Association Days event at WestWorld. Councilman Littlefield seconded the motion, which carried 7/0.**
Request: Adopt **Resolution No. 9747** authorizing Contract No. 2014-049-COS with Arizona Cutting Horse Association to hold the National Cutting Horse Association Days event at WestWorld.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
22. **Scottsdale Family Advocacy Center Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9725** authorizing Agreement No. 2010-074-COS-A1, an extension to an intergovernmental agreement with the Arizona Department of Economic Security, for the use of the Scottsdale Family Advocacy Center.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdale.gov
23. **Vista del Camino Community Action Program Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9755** authorizing Agreement No. 2013-049-COS-A1, an amendment to renew an intergovernmental agreement with Maricopa County to operate the Community Action Program at Vista del Camino and extend its termination date.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
24. **Transit Service Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9720** to authorize:
 1. Contract No. 2013-047-COS-A1, an amendment to the Restated Transit Services Agreement with the State of Arizona Regional Public Transportation Authority, for the purpose of accepting pass-through Federal Transit Authority Grant No. AZ-57-X016 in the amount of \$100,000 to be used towards Neighborhood Trolley operating costs.
 2. A budget transfer in the amount of \$100,000 from the adopted FY 2013/14 Grant Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
25. **Fire Radio Replacement Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 9754** authorizing a budget transfer in the amount of \$1,208,595 from the adopted FY 2013/14 General Fund Capital Contingency Budget and the creation of a new CIP project titled Fire Radio Replacement.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1892, tshannon@scottsdaleaz.gov
26. **Legal Fees for Jage v. City of Scottsdale et al. – Approved on Consent.**
Request: Adopt **Resolution No. 9751** authorizing legal fees to be incurred in Contract No. 2011-012-COS with the Law Offices of Robert S. Murphy, LLC, in a total amount not to exceed \$250,000, for the defense of *Jage v. City of Scottsdale et al.*, Cause No. CV2011-098081, currently pending in Maricopa County Superior Court.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

27. **Monthly Financial Report – Approved on Consent.**

Request: Accept the FY 2013/14 Monthly Financial Report as of March 2014.

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

REGULAR AGENDA ITEMS 28-32

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.**

28. **Scottsdale Quarter-Phase III, Blocks L & M Rezoning (18-ZN-2013) – Councilwoman Milhaven made a motion to: (1) adopt Ordinance No. 4150 approving the zoning district map amendment and Development Plan, including amended development standards for building height up to 90 feet and floor area ratio of 1.0; finding that the Planned Regional Center (PRC) District requirements have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan, for property located at the northwest corner of E. Butherus Drive and N. 73rd Street with Planned Regional Center (PRC) zoning; and (2) adopt Resolution No. 9730 declaring the document entitled “Development Plan Scottsdale Quarter Phase III, Block L & M, 18-ZN-2013” as a public record. Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**

Requests:

1. Adopt **Ordinance No. 4150** approving the zoning district map amendment and Development Plan, including amended development standards for building height up to 90 feet and floor area ratio of 1.0; finding that the Planned Regional Center (PRC) District requirements have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan, for property located at the northwest corner of E. Butherus Drive and N. 73rd Street with Planned Regional Center (PRC) zoning.
2. Adopt **Resolution No. 9730** declaring the document entitled “Development Plan Scottsdale Quarter Phase III, Block L & M, 18-ZN-2013” as a public record.

Location: Northwest corner of E. Butherus Drive and N. 73rd Street

Presenter(s): Bryan Cluff, Planner

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

***29. **Economic Development Strategic Plan Framework**

(Item No. 29 was removed at the request of staff and will be brought back by the July 2, 2014 Council meeting.)

30. **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 April 2014.

Presenter(s): Jeff Nichols, City Treasurer

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

31. **Public Hearing and Adoption of Fiscal Year 2014/15 Rates and Fees – Councilman Robbins made a motion to adopt Resolution No. 9706, Ordinance No. 4147, Resolution No. 9705, Resolution No. 9739, Ordinance No. 4153, Ordinance No. 4152, and Resolution No. 9743. Councilwoman Milhaven seconded the motion, which carried 7/0.**

Requests:

1. Accept citizen comments at a public hearing regarding proposed rates and fees.
2. Adopt **Resolution No. 9706** declaring the document entitled “*Amendments to Water and Sewer Rates and Charges-Chapter 49, Scottsdale Revised Code*” as a public record.
3. Adopt **Ordinance No. 4147** amending portions of the Scottsdale Revised Code, Chapter 49, Water, Sewers and Sewage Disposal, related to water and sewer/water reclamation rates and charges, effective July 1, 2014.
4. Adopt **Resolution No. 9705** implementing new fees and setting the *Scottsdale Fire Department Fee Schedule*, effective July 1, 2014.
5. Adopt **Resolution No. 9704** implementing new off duty fees for the Scottsdale Police Department, effective July 1, 2014.
6. Adopt **Resolution No. 9739** setting City of *Scottsdale Community Services Division Schedule of Program Charges, Rental Fees and Fines*, effective July 1, 2014.
7. Adopt **Ordinance No. 4153** amending Scottsdale Revised Code, Chapter 9, City Court, relating to Court fees, effective July 1, 2014.
8. Adopt **Ordinance No. 4152** adding Section 9-17 to Chapter 9 of the Scottsdale Revised Code to create a Service Enhancement Fee, effective July 1, 2014.
9. Adopt **Resolution No. 9743** setting the *Planning and Development Service Rates and Fees Schedule* for Wireless Communications Facilities, effective July 1, 2014.

Presenter(s): Jeff Nichols, City Treasurer; Brian Biesemeyer, Water Resources Executive Director

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov; Tom Shannon, Fire Chief, 480-312-1892, tshannon@scottsdaleaz.gov; Alan Rodbell, Police Chief, 480-312-1900, arodbell@scottsdaleaz.gov; Bill Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov; Joseph Olcavage, Presiding Judge, 480-312-7604, jolcavage@scottsdaleaz.gov; Bruce Washburn, City Attorney, 480-312-2659, bwashburn@scottsdaleaz.gov; Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov

- ***32. **Public Hearing on and Adoption of Proposed Fiscal Year 2014/15 Budget (Tentative Budget) – Councilman Robbins made a motion to adopt Ordinance No. 4156 as presented. Vice Mayor Korte seconded the motion, which carried 7/0.**

Requests:

1. The City Council solicits and receives public input relative to the entire Proposed FY 2014/15 Budget, which includes both the Operating Budget and Capital Improvement Plan. The City Council may direct Staff to make revisions to the Proposed FY 2014/15 Budget prior to adoption or may adopt the proposed version as the Tentative Budget required for conformity with Arizona Revised Statutes and City Charter.
2. Adopt **Ordinance No. 4156** as presented (or as modified by Council) establishing the Tentative Budget for FY 2014/15. Establishment of the Tentative Budget statutorily fixes the maximum expenditure limit. The maximum expenditure limit may still be lowered by Council before final budget adoption. Adoption of Ordinance No. 4156 also directs the City Clerk to meet obligations regarding publication and notices imposed by Arizona Revised Statutes or City Charter. Through adoption of Ordinance No. 4156, Council also tentatively adopts the Proposed FY 2014/15 Classification/Compensation Schedule in conformity with Scottsdale Revised Code Sec. 14-20, et. seq.

Presenter(s): Fritz Behring, City Manager

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

Public Comment – None

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CITIZEN PETITIONS

ITEM 33

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.

33. 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 Items – None

Adjournment – 6:51 P.M.