

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



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

**[CONTINUED REGULAR ITEM No. 17 AND ADDED CONSENT ITEM No. 16A]**

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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, February 9, 2016**

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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 (February 23, 2016).*

**5:00 P.M.**

**MARKED AGENDA**

### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:09 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 – Daughters of the American Revolution, Grand Canyon Chapter**

**Invocation – Pastor Bruce Johnson, Scottsdale Presbyterian Church**

**Mayor's Report – None**

**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. 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."**



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

The supporting materials for Item No. 17 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or to continue the added item(s) to the February 23, 2016 Council meeting.

**– Councilmember Korte made a motion to accept the agenda as presented. Vice Mayor Smith seconded the motion, which carried 6/1, with Councilman Phillips dissenting.**

## MINUTES

**Request:** Approve the [Regular Meeting Minutes of January 11, 2016](#) and [Special Meeting Minutes of January 11, 2016](#).

**– Councilman Phillips made a motion to approve the Regular Meeting Minutes of January 11, 2016 and Special Meeting Minutes of January 11, 2016. Vice Mayor Smith seconded the motion, which carried 7/0.**

## CONSENT AGENDA      ITEMS 1-16A

**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.

**– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 16A. Vice Mayor Smith seconded the motion, which carried 7/0.**

### 1. [Old Town Gringos Liquor License \(124-LL-2015\)](#) – **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:** 4209 N. Craftsman Court

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

### 2. [Drop Axle Brewery Liquor License \(1-LL-2016\)](#) – **Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 3 (microbrewery) State liquor license for a new location and owner.

**Location:** 3008 N. Civic Center Plaza, Suite 100

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

### 3. [Aloft Scottsdale Liquor License \(2-LL-2016\)](#) – **Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for an existing location with a new owner.

**Location:** 4415 N. Civic Center Plaza

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

4. **Days Inn & Suites Scottsdale North Liquor License (3-LL-2016) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for an existing location with a new owner.  
**Location:** 7330 N. Pima Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **Firesky Resort & Spa Liquor License (4-LL-2016) – 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:** 4925 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **Gallery Abandonment (6-AB-2015) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10340** authorizing the abandonment of 30 feet of public utility and roadway easement along the west boundary of the property with Multiple-Family Residential (R-5) zoning.  
**Location:** 3126 N. 71<sup>st</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
7. **Gallery Final Plat (4-PP-2015) – Approved on Consent.**  
**Request:** Approve a final plat for an 18-lot residential subdivision on a 1.1± acre site with Multiple-Family Residential (R-5) zoning.  
**Location:** 3126 N. 71<sup>st</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
8. **Capital Improvement Projects On-Call Intelligent Transportation Systems Engineering Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10315** authorizing Contract No. 2016-006-COS with Kimley-Horn and Associates, Inc., in an amount not to exceed \$1,000,000 per annum for the planning and design of various intelligent transportation systems projects.  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
9. **Paiute Park Playground Construction Bid Award – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10328** to authorize:
  1. Construction Bid Award No. 16PB008 to Safe and Sound Playgrounds, the lowest responsive bidder, at the unit price bid of \$84,912.57 for construction of a new playground at Paiute Park.
  2. A FY 2015/16 General Fund Capital Contingency Budget transfer in the amount of \$11,000 to Capital Project No. PB70B titled Paiute Park Playground Rehabilitation.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
10. **Papago Rotary Park Playground Construction Bid Award – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10329** to authorize:
  1. Construction Bid Award No. 16PB009 to Safe and Sound Playgrounds, the lowest responsive bidder, at the unit price bid of \$99,940.81 for construction of a new playground at Papago Rotary Park.
  2. A FY 2015/16 General Fund Capital Contingency Budget transfer in the amount of \$21,000 to Capital Project No. PB69B titled Papago Rotary Park Playground Rehabilitation.**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

11. **[Airport Pull Box Replacement Project Construction Bid Award](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10303** to authorize:
  1. Construction Bid Award No. 16PB011 to Fortis Networks, Inc., the lowest responsive bidder, in the amount of \$68,608.98 for the construction of the airport pull box replacement project.
  2. A FY 2015/16 Airport-Future Grants Contingency Budget Appropriation transfer in the amount of \$45,000 to Aviation Capital Project No. AB58A (Replace Electrical Pull Boxes – Main Apron) to be funded by the Aviation Funds funding source.**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)**
  
12. **[Airport Runway 03 Erosion Protection/Wildlife Mitigation Project Construction Bid Award](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10319** authorizing Construction Bid Award No. 16PB014 to Rummel Construction, Inc., the lowest responsive bidder, in the amount of \$392,535 for the construction of Airport Runway 03 erosion protection and wildlife mitigation project.  
**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)**
  
13. **[2017 Snaffle Bit Futurity Event Bid Support](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10348** authorizing City support for the bid for WestWorld to host the National Reined Cow Horse Association 2017 Snaffle Bit Futurity Event, including reasonably necessary venue services and no more than \$75,000 in direct dollar bed tax event funding, if WestWorld is chosen to host the event.  
**Staff Contact(s):** Brian Dygert, WestWorld General Manager, 480-312-6825, [bdygert@scottsdaleaz.gov](mailto:bdygert@scottsdaleaz.gov); Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)**
  
14. **[Fire Department Medical Director Professional Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10337** authorizing Contract No. 2016-016-COS with HonorHealth in an amount not to exceed \$36,000 for medical director services for the Fire Department.  
**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)**
  
15. **[Biennial Certified Audit Professional Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10350** authorizing Contract No. 2016-019-COS with Raftelis Financial Consultants, Inc., in an amount not to exceed \$34,730 for the first biennial certified audit of the City's land use assumptions, infrastructure improvements plan, and development impact fees.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)**
  
16. **[Monthly Financial Report](#) – **Approved on Consent.**  
**Request:** Accept the FY 2015/16 Monthly Financial Report as of November 2015.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)**
  
- \*\*\*16A. **[Bihn and Burbano v. City of Scottsdale Settlement Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10361** authorizing settlement in the amount of \$92,500 of Martin Bihn's negligence lawsuit against the City and \$130,000 for Kristine Burbano's negligence lawsuit against the City which are together entitled *Burbano and Bihn v. City of Scottsdale*, Case No. CV2014-002564, 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 17

**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.**

\*\*\*17.      [BASIS Charter School Abandonment \(11-AB-2015\) and Development Agreement](#)

(Continued to the February 23, 2016 City Council meeting at the request of the applicant.)  
– **Councilwoman Milhaven made a motion to continue Item 17 to February 23, 2016. Councilwoman Littlefield seconded the motion, which carried 7/0.**

**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 – 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 – 5:17 P.M.**