

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED REGULAR ITEM No. 14A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Tuesday, April 19, 2016

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 (May 3, 2016).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 – Boy Scout Troop 648, Scout Master Doug McFetters

Invocation – Mayor Lane requested a moment of silence to honor the victims of the Japan and Ecuador earthquakes and the death of City employee Kerry Fiske.

Mayor's Report – None

Presentations/Information Updates – Acting City Manager Brian Biesemeyer and Arizona Public Service representatives Patty McLaughlin, Key Account Manager, and Rustyn Sherer, Community Affairs Manager, presentation.

- **Arizona Public Service Company Peak Solutions Rebate**

Presenter(s): Patty McLaughlin, Key Account Manager, Arizona Public Service

Public Comment – Michael Fernandez commented on transportation, including fixed-rail transit.

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).

MINUTES

Request: Approve the [4:00 P.M. Special Meeting Minutes of March 22, 2016](#), the [5:00 P.M. Special Minutes of March 22, 2016](#), and [Special Meeting Minutes of March 29, 2016](#); and Executive Session Minutes of March 22, 2016.

– Councilmember Korte made a motion to approve the 4:00 P.M. Special Meeting Minutes of March 22, 2016; 5:00 P.M. Special Meeting Minutes of March 22, 2016; Special Meeting Minutes of March 29, 2016; and Executive Session Minutes of March 22, 2016. Councilwoman Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-12

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 12. Councilwoman Klapp seconded the motion, which carried 7/0.

1. [Gwin Wine and Beer Liquor License \(23-LL-2016\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 7342 E. Shea Boulevard, Suite 109
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Papi Chulo's/Days Hotel Liquor License \(24-LL-2016\)](#) – **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: 5101 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [Impact Church/Sunrise Luxury Living Perimeter Exception \(1-PE-2015\)](#) – **Approved on Consent.**
Requests:
 1. Approve a 2-lot Perimeter Exception Final Plat and associated development agreement on 11.2± acres.
 2. Adopt **Resolution No. 10365** authorizing Development Agreement No. 2016-027-COS with Sunrise Hayden Owner, LLC, and Impact Church, Inc., related to the Sunrise Commons Perimeter Exception Plat.**Location:** 15333 N. Hayden Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
4. [Pima and Los Gatos State Land, a.k.a. White Horse, Final Plat \(5-PP-2015\)](#) – **Approved on Consent.**
Request: Approve the final plat for a 50-lot residential subdivision with Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning on 28± acres located at the northeast corner of N. Pima Road and E. Los Gatos Drive and 30± acres located south of the southeast corner of N. Pima Road and E. Los Gatos Drive.
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

5. [Multi-Use Path Land Use and Construction Period License Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10385** authorizing Agreement No. 2016-046-COS with the Central Arizona Water Conservation District for the construction and maintenance of a multi-use path along the Central Arizona Project Canal between 124th Street and 125th Street.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

6. [WestWorld Path and Trail Connections Project Engineering Services Contract – Approved on Consent.](#)
Request: Adopt **Resolution No. 10405** authorizing Contract No. 2015-212-COS-A1 with Kimley-Horn and Associates, Inc., in the amount of \$397,086 to provide final design services for the WestWorld Path and Trail Connections project.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

7. [Thomas Road Corridor ITS Improvements Grant – Approved on Consent.](#)
Request: Adopt **Resolution No. 10380** to authorize:
 1. Acceptance of a grant in the amount of \$368,713 awarded by the Congestion Mitigation and Air Quality Improvement Program through the Arizona Department of Transportation.
 2. A FY 2015/16 CIP Future Grants budget appropriation contingency transfer in the amount of \$368,713 to a newly created CIP project to be titled Thomas Road Corridor ITS Improvements to be funded by the grant funding source.
 3. A FY 2015/16 Transportation Sales Tax budget appropriation transfer in the amount of \$115,000 from the ITS/Signal System Upgrades CIP project (TB56) to a newly created CIP project titled Thomas Road Corridor ITS Improvements to be funded by the Transportation Sales Tax funding source.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

8. [Housing Rehabilitation Program Revised Guidelines – Approved on Consent.](#)
Request: Adopt **Resolution No. 10371** to:
 1. Approve the revised program guidelines for the Housing Rehabilitation Program to incorporate the green building principles.
 2. Authorize an increase in the maximum Housing Rehabilitation Program loan limit from \$35,000 to \$50,000.
 3. Approve a permit fee waiver of the City's approved Planning, Neighborhood and Transportation Department Rates and Fees Minimum Combination Miscellaneous Permit Fee associated with participation in the Housing Rehabilitation Program.**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

9. [Appointments of Pro Tem Judges for City Court – Approved on Consent.](#)
Request: Adopt **Resolution No. 10410** to approve:
 1. The following initial appointments of Pro Tem Judges for a two-year term for the period of May 17, 2016, through May 17, 2018: Jennifer Dalton, James Hart, Robert Melton, and Thomas Wilson.
 2. The following reappointments of Pro Tem Judges for a four-year term for the period of May 17, 2016, through May 17, 2020: Susan Kayler and Thomas Scarduzio.**Staff Contact(s):** Joseph Olcavage, Presiding Judge, 480-312-2775, c/o jdymas@scottsdaleaz.gov

10. [City Court Jury Services Intergovernmental Agreement Extension – Approved on Consent.](#)
Request: Adopt **Resolution No. 10397** authorizing Agreement No. 2014-074-COS-A1 with the Superior Court of Arizona in Maricopa County to extend the agreement for jury services for an additional two years from June 30, 2016, to June 30, 2018.
Staff Contact(s): Joseph Olcavage, Presiding Judge, 480-312-2775, c/o jdymas@scottsdaleaz.gov

11. [Arizona Internet Crimes Against Children Task Force Intergovernmental Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 10393** authorizing Agreement No. 2016-043-COS with the City of Phoenix for participation in the Arizona Internet Crimes Against Children Task Force.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

12. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2015/16 Monthly Financial Report as of February 2016.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

REGULAR AGENDA ITEMS 13-16

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.**

13. [Proposed Fiscal Year 2016/17 Operating Budget and Capital Improvement Plan](#)
Request: Presentation, discussion and possible direction to staff regarding the Proposed FY 2016/17 Operating Budget and Capital Improvement Plan.
Presenter(s): Judy Doyle, Budget Director; Brian Biesemeyer, Acting City Manager; Alan Rodbell, Police Chief; Dan Worth, Public Works Director; and Lee Guillory, Finance Director
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov
–Acting City Manager Brian Biesemeyer, Budget Director Judy Doyle, Police Chief Alan Rodbell, Public Works Director Dan Worth, and Finance Director Lee Guillory presentations.
– Councilwoman Milhaven made a motion to direct staff to include the Chief’s reorganization in the budget; however, no additional positions will be added until the Council receives an update from Charter Officers that takes a deeper dive into the data and a policy decision has been queued up around what kinds of calls the Police respond to, who should be responding to the calls, how many personnel are dispatched to handle calls, and timeframes around how much time is spent on the calls. Mayor Lane seconded the motion, which carried 4/3, with Councilmembers Klapp, Littlefield, and Phillips dissenting.
– Vice Mayor Smith made a motion to change the property tax in the budget to include the two-percent allowance for this year. Councilmember Korte seconded the motion, which failed 2/5, with Mayor Lane and Councilmembers Klapp, Littlefield, Milhaven, and Phillips dissenting.
– Council requested the following information prior to the tentative budget adoption:
 - **Reconciliation on Capital Improvement Projects, including list of projects, expenditures, and allocated funding sources.**
 - **Analysis on the City’s depreciable assets, including accumulated depreciation of assets and how continued maintenance and improvements add to the anticipated life of the assets.**

14. [Public Hearing on the Community Development Block Grant Program Fiscal Year 2016/17 Annual Action Plan](#)
Requests:
 1. Solicit public testimony regarding the FY 2016/17 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds in the amount of \$1,183,016 and HOME Investment Partnership Program (HOME) funds in the amount of \$270,287; and

(Item No. 14 continued from the previous page)

2. Adopt **Resolution No. 10370** to:

- a. Approve the FY 2016/17 Annual Action Plan (Plan) for the City CDBG Program and authorize the City Manager to execute, on behalf of the City, appropriate certifications and submit the Plan to the U.S. Department of Housing and Urban Development (HUD).
- b. Authorize the City Manager to execute, on behalf of the City, a contract with HUD for FY 2016/17 CDBG funding and approve the purposes for which the funds may be expended.
- c. Approve the manner in which the FY 2016/17 HOME funds shall be allocated.
- d. Approve the reprogramming of remaining CDBG and HOME funds under prior year's funding.
- e. Approve the return of program income from the repayment of deferred loans from recipients of the Housing Rehabilitation Program to the City's CDBG Line of Credit or Revolving Loan Fund to be expended on eligible rehabilitation activities.
- f. Approve the return of all other program income from CDBG funded activities to the City's CDBG Line of Credit to be expended on other eligible CDBG activities.
- g. Approve allocations for CDBG and HOME funds, as recommended by the Human Services Commission and described in Exhibits A and B of the resolution, contingent upon HUD's allocation and the City's receipt of such funds and each sub-recipient's successful performance of its obligations under the CDBG and HOME contracts with the City.
- h. Authorize the Mayor to execute, on behalf of the City, contracts with agencies to be funded with CDBG and HOME funds for FY 2016/17, contingent upon HUD's allocation and the City's receipt of such funds, and subject to and contingent upon the execution of the HUD grant contracts for FY 2016/17 funding and final negotiation of scopes of work and contract terms with sub-recipients.
- i. Authorize the Community Assistance Manager to execute all documents related to the City's Housing Rehabilitation Program; adjust the allocations of CDBG and HOME funds as necessary based upon final federal funding allocations to the City and program income received; and to execute any other documents and take such other actions as are necessary to carry out the intent of this resolution.

Presenter(s): Michelle Albanese, Community Assistance Manager

Staff Contact(s): William Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov

– Community Assistance Manager Michelle Albanese presentation.

– Councilman Phillips made a motion to adopt Resolution No. 10370, including items “a” through “i.” Councilwoman Littlefield seconded the motion, which carried 7/0.

*****14A. [Shoeman Office Building Rezoning \(7-ZN-2015\)](#)**

Requests:

1. Adopt **Ordinance No. 4240** approving a zoning district map amendment from Central Business Downtown Overlay (C-2 DO) and Highway Commercial Downtown Overlay (C-3 DO) zoning to Downtown/Downtown Multiple Use Type-2, Planned Block Development, Downtown Overlay (D/DMU-2, PBD, DO) zoning, including approval of Property Development Standards and a Development Plan on a 1.96±-acre site located at 4419 N. Scottsdale Road, 7223 E. Shoeman Lane, and 7233 E. Shoeman Lane.
2. Adopt **Resolution No. 10357** authorizing Development Agreement No. 2016-021-COS with Stockdale Galleria Land Owner, LLC, for property generally located at 4419 N. Scottsdale Road.
3. Adopt **Resolution No. 10366** declaring the document entitled “Shoeman Office Building Development Plan, 7-ZN-2015” to be a public record.

Presenter(s): Dan Symer, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

– Councilmember Korte made a motion to continue Item 14A to May 10, 2016. Councilwoman Milhaven seconded the motion, which carried 7/0.

15. [Transportation Capital Improvements Projects Grants](#)

Request: Adopt **Resolution No. 10416** to authorize:

1. Acceptance of three federal grants in the total amount of \$4,778,228 awarded by the Congestion Mitigation and Air Quality Program.
2. Acceptance of one federal grant in the amount of \$1,214,450 awarded by the Transportation Alternatives Program.
3. The inclusion of three new capital projects for the federal grants in the FY 2016/17 through FY 2020/21 Tentative Capital Improvement Plan Budget.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

– Transportation Director Paul Basha presentation.

– Councilmember Korte made a motion to adopt Resolution No. 10416. Councilwoman Milhaven seconded the motion, which carried 7/0.

16. [Monthly Financial Update](#)

Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of March 2016.

Presenter(s): Jeff Nichols, City Treasurer

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

– City Treasurer Jeff Nichols presentation.

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 17

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.

17. **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 18-19

18. [Request to Agendize a Discussion on a Blended District Form of Government](#)

Request: At the request of Mayor Lane, staff is to agendize a presentation, discussion and possible direction to staff of a Charter amendment to create a blended district form of government with three Councilmembers elected by district and the Mayor and three Councilmembers elected at large, including a timeline, possible election dates, and draft ballot language.

– Mayor Lane made a motion to agendize a presentation, discussion and possible direction to staff of a Charter amendment to create a blended district form of government with three Councilmembers elected by district and the Mayor and three Councilmembers elected at large, including a timeline, possible election dates, and draft ballot language. Councilwoman Klapp seconded the motion, which failed 2/5, with Vice Mayor Smith and Councilmembers Korte, Littlefield, Milhaven, and Phillips dissenting.

– Councilmember Korte made an alternate motion to agendaize a presentation, discussion, and possible direction to staff of a Charter amendment to create a district form of government. The motion died for lack of a second.

– Councilwoman Klapp made a motion to direct staff to review all forms of districting and return to the Council with several options for discussion in a work study session. The motion died for lack of a second.

– Mayor Lane made a motion to direct staff to review a process of a blended form of districting, as well as other forms of district representation, and return for a discussion at a Council meeting. Councilwoman Klapp seconded the motion, which failed 2/5, with Vice Mayor Smith and Councilmembers Korte, Littlefield, Milhaven, and Phillips dissenting.

19. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for May 3, 2016)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Board of Adjustment (*two vacancies*) – Councilwoman Milhaven nominated Sergio Martinez; Councilwoman Klapp nominated Greg Mona; and Councilmember Korte nominated Andy Jochums

Building Advisory Board of Appeals (*two vacancies*) – No applications received

Historic Preservation Commission (*one real estate professional vacancy*) – Councilwoman Littlefield nominated Doug Craig

Industrial Development Authority (*one vacancy*) – Councilman Phillips nominated Matthew Ligouri and Mayor Lane nominated Andrew Armstrong

Loss Trust Fund Board (*one vacancy*) – No applications received

McDowell Sonoran Preserve Commission (*one vacancy*) – Vice Mayor Smith nominated Robert Alpert; Mayor Lane nominated Larry Person; and Councilwoman Milhaven nominated Cassandra Jonkosky

Parks and Recreation Commission (*one vacancy*) – Councilmember Korte nominated Fred Klein

Personnel Board (*one vacancy*) – No applications received

Tourism Development Commission (*one industry representative vacancy*) – Mayor Lane nominated Carl Grupp and Councilwoman Littlefield nominated Trey Brennan

Note: The only Council action to be taken on Item No. 19 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

Adjournment – 8:48 P.M.