

# SCOTTSDALE CITY COUNCIL MEETING

## \*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA [REMOVED CONSENT ITEM No. 16]



### COUNCIL

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

Linda Milhaven  
Guy Phillips  
David N. Smith

Monday, October 10, 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 (October 25, 2016).*

**5:00 P.M.**

**MARKED AGENDA**

### CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:01 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 – Troop 194, Troop Leader Priscilla Sanders**

**Invocation – Mayor Lane requested a moment of silence for those impacted by Hurricane Matthew.**

**Mayor's Report – Mayor Lane presented proclamations to the Scottsdale Historical Museum and the McDowell Sonoran Conservancy to honor their 25<sup>th</sup> anniversaries.**

**Presentations/Information Updates – McDowell Sonoran Conservancy CEO Mike Nolan presentation.**

- **25<sup>th</sup> Anniversary of the McDowell Sonoran Conservancy**  
**Presenter(s):** Mike Nolan, McDowell Sonoran Conservancy CEO

**Public Comment – Elizabeth Deitchman and Angie Carrasco spoke in support of the Scottsdale Arts Visions Program.**

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).

FOR ADDITIONAL INFORMATION VISIT: [WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

## MINUTES

**Request:** Approve the [Regular Meeting Minutes of September 13, 2016](#), and [September 20, 2016](#); [Work Study Session Minutes of September 19, 2016](#); [Special Meeting Minutes of September 20, 2016](#); and Executive Session Minutes of September 20, 2016.

**– Councilmember Korte made a motion to approve the Regular Meeting Minutes of September 13, 2016, and September 20, 2016; Work Study Session Minutes of September 19, 2016; Special Meeting Minutes of September 20, 2016; and Executive Session Minutes of September 20, 2016. Councilwoman Klapp seconded the motion, which carried 7/0.**

## CONSENT AGENDA      ITEMS 1-21

**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 Klapp made a motion to approve Consent Agenda Items 1 through 21, absent Item 16, which was removed at the request of staff. Councilmember Korte seconded the motion, which carried 7/0.**

1. [Vines & Hops Liquor License \(79-LL-2016\)](#) – **Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license for an existing location with a new owner.  
**Location:** 4216 N. Brown Avenue  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. [Tapas Seville Liquor License \(83-LL-2016\)](#) – **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 new location and owner.  
**Location:** 7240 E. Main Street, Suite B-3  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. [Café Pranzo Liquor License \(84-LL-2016\)](#) – **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:** 8600 E. Anderson Drive  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. [Char Kitchen + Bar Liquor License \(85-LL-2016\)](#) – **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:** 6107 N. Scottsdale Road, Suite 110  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

5. **Taj Mahal Liquor License (86-LL-2016) – 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:** 4225 N. Craftsman Court  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **Harkins Camelview at Fashion Square Liquor License (87-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:** 7014 E. Camelback Road, Suite 3A  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
7. **Kona Grill Liquor License (88-LL-2016) – 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:** 15345 N. Scottsdale Road, Suite K-100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
8. **Boondocks Patio & Grill Conditional Use Permit (42-UP-2011#3) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met and adopt  
**Resolution No. 10561** approving a Conditional Use Permit for Live Entertainment on an existing 9,609± square-foot establishment with Downtown/Office Residential Type 2 Downtown Overlay (D/OR-2 DO) zoning.  
**Location:** 4341 N. 75<sup>th</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
9. **70<sup>th</sup> Street Lofts Rezoning (3-ZN-2016) – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4279** approving a Zoning District Map Amendment from Highway Commercial, Downtown Overlay (C-3 DO) zoning to Downtown/Downtown Multiple Use – Type 2 Downtown Overlay (D/DMU-2 DO) zoning on a 0.4±-acre site located at the southeast corner of E. 6<sup>th</sup> Avenue and N. 70<sup>th</sup> Street.  
**Location:** 3425 N. 70<sup>th</sup> Street; and 7002, 7004, and 7006 E. 6<sup>th</sup> Avenue  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
10. **70<sup>th</sup> & Earll Townhomes Rezoning (11-ZN-2016) – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4277** approving a Zoning District Map Amendment from Single-family Residential (R1-7) zoning to Medium Density Residential (R-3) zoning on a 0.47±-acre site.  
**Location:** 3114 N. 70<sup>th</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
11. **Skye on McDowell - Phase II Non-Major General Plan Amendment and Rezoning (7-GP-2016 and 16-ZN-2016) – Approved on Consent.**  
**Requests:**
  1. Adopt **Resolution No. 10562** approving a Non-Major General Plan Amendment to the Scottsdale 2001 General Plan Conceptual Land Use Map to change the land use designation from Mixed Use Neighborhoods to Urban Neighborhoods on a 3.2±-acre site.
  2. Adopt **Ordinance No. 4278** approving a Zoning District Map Amendment from Highway Commercial (C-3) to Multi-Family Residential (R-5) zoning on a 3.2±-acre site.**Location:** 6801 E. McDowell Road  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

12. [On-Call Engineering Services Contract Modifications for Storm Water Projects – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10577** authorizing the following on-call engineering services contract modifications for a one-year contract extension for studies, design, construction documents, and construction administration for storm water projects throughout the City, as needed:
  1. Contract No. 2014-141-COS-A1 with Gavan & Barker, Inc.
  2. Contract No. 2014-142-COS-A1 with Olsson Associates**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
  
13. [Tavern Grille Scottsdale Teletrack Wagering Establishment License – Approved on Consent.](#)  
**Request:** Consider approval of a renewal application for Teletrack Wagering Establishment License No. 1053566 for Tavern Grille Scottsdale.  
**Location:** 8880 E. Via Linda, Suite 106  
**Staff Contact(s):** Dennis Enriquez, Business Services Director, 480-312-5925, [denriquez@scottsdaleaz.gov](mailto:denriquez@scottsdaleaz.gov)
  
14. [Pickleball Courts Funding Donation Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10567** authorizing Agreement No. 2016-148-COS with Grayhawk Community Association to accept a monetary donation in the amount of \$30,291 to convert one basketball court into three pickleball courts at Thompson Peak Park.  
**Location:** 20199 N. 78<sup>th</sup> Place  
**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
  
15. [Fiscal Year 2015/16 HOME Investment Partnership Program Conditional Subrecipient Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10559** to authorize:
  1. Agreement No. 2016-145-COS with Habitat for Humanity Central Arizona to award and specify the conditions associated with \$206,420 in FY 2015/16 federal HOME Investment Partnership Program (HOME) funds for housing reconstruction purposes to benefit people living in homes with substantial housing defects.
  2. A budget authority transfer in the amount of \$206,420 from the adopted FY 2016/17 Community Development Block Grant to a HOME funds cost center to record HOME expenditures occurring in FY 2016/17.**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
  
- \*\*\*16. **Fiscal Year 2016/17 HOME Investment Partnership Program Conditional Subrecipient Agreement**  
**(Removed at the request of staff.)**
  
17. [Proposition 202 Funds Acceptance Intergovernmental Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 10568** to authorize:
  1. Agreement No. 2016-149-COS with the Fort McDowell Yavapai Nation to accept \$100,000 in Proposition 202 Tribal Gaming Funds.
  2. A budget transfer in the amount of \$100,000 from the adopted FY 2016/17 Grant Contingency Budget and/or the Future Grants Budget to a newly created cost center to record all related grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)

18. [Miguel Ibarra v. City of Scottsdale Settlement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10570** authorizing settlement in the amount of \$21,499.99 of the claim entitled *Miguel Ibarra v. City of Scottsdale*, City Claim No. 151611-AL-039.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
19. [Nicole Rerucha v. City of Scottsdale Settlement Agreement](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10585** authorizing Agreement No. 2016-155-COS with Nicole Rerucha in order to settle a lawsuit entitled *Nicole Rerucha v. City of Scottsdale*, currently pending in the United States District Court, District of Arizona, Case No. CV-15-01145-PHX-NVW, in the amount of \$135,000.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
20. [Monthly Financial Report](#) – **Approved on Consent.**  
**Request:** Accept the FY 2016/17 Monthly Financial Report as of July 2016.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)
21. [Tourism Strategic Plan Contingency Budget Transfer](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 10566** authorizing a FY 2016/17 Tourism Development Fund Operating Contingency Budget transfer in the amount of \$745,000 funded from the City portion of the Bed Tax Carry-Over to the Tourism and Events Development Operating Budget for implementing the Tourism Strategic Plan.  
**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEM 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 that item.**

22. [Public Hearing on the Biennial Certified Audit of the Land Use Assumptions, Infrastructure Improvement Plans, and Development Fees](#)  
**Request:** Solicit and receive public comment on the biennial certified audit of the land use assumptions, infrastructure improvement plans, and development (impact) fees for the City's water and wastewater utilities.

**Presenter(s):** Sharron Walker, City Auditor

**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

– **Presentations by City Auditor Sharron Walker and Rafetelis Financial Services representative Frank Davis.**

– **Mayor Lane noted for the record that there were no requests to speak on this item.**

### **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 23

**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 agendaize 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 – 5:41 P.M.**