

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, AUGUST 28, 2018**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:03 P.M. on Tuesday, August 28, 2018, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane; Vice Mayor Guy Phillips; and Councilmembers Suzanne Klapp, Virginia L. Korte, Kathleen S. Littlefield, Linda Milhaven, and David N. Smith

Also Present: City Manager Jim Thompson, City Attorney Bruce Washburn, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Daughters of the American Revolution Grand Canyon Chapter

INVOCATION – Pastor David Joynt, Valley Presbyterian Church

MAYOR'S REPORT

Mayor Lane requested a moment of silence to reflect on the loss of Arizona Senator John McCain. Mayor Lane asked that we remember Senator McCain's dedication, belief and love for the United States and the sacrifices he made for our Country.

PRESENTATIONS/INFORMATION UPDATES

PUBLIC COMMENT

- Neighborhood Advisory commissioners Carol Miraldi and Rachel Putman reported on the Spirit of Scottsdale Awards Program.
- Darlene Peterson presented a citizen petition asking the City to prohibit vehicles having a gross weight exceeding 10,000 pounds, or having dual rear wheels exceeding 17" and a one-ton chassis, from parking in a residential lot.

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

MINUTES

Request: Approve the Special Meeting Minutes of June 19, 2018, and July 3, 2018; Regular Meeting Minutes of June 19, 2018, July 2, 2018, and July 3, 2018; and Executive Session Minutes of June 19, 2018, and July 3, 2018.

MOTION AND VOTE – MINUTES

Councilmember Korte made a motion to approve the Special Meeting Minutes of June 19, 2018, and July 3, 2018; Regular Meeting Minutes of June 19, 2018, July 2, 2018, and July 3, 2018; and Executive Session Minutes of June 19, 2018, and July 3, 2018. Vice Mayor Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

CONSENT AGENDA

1. **Fire Station 616 Municipal Use Master Site Plan (10-UP-2017)**

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 11211** approving a Municipal Use Master Site Plan for constructing a fire station on 3.3± acres of City-owned property with Single-Family District, Environmentally Sensitive Lands (R1-43/ESL) zoning.

Location: 10905 E. Loving Tree Lane

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

2. **Porters Building Conditional Use Permit (6-UP-2018)**

Moved to the Regular Agenda (see Page 6).

3. **Crown Castle Days Inn & Suites Type 4 Wireless Communication Facilities Conditional Use Permit (9-UP-2018)**

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 11213** approving a Conditional Use Permit for two new Type 4 Alternative Concealment Wireless Communication Facilities in the design of two 65±-foot artificial palm trees on a 4.74±-acre site with Multiple-Family Residential, Planned Community District (R-5 PCD) zoning.

Location: 7330 N. Pima Road

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

4. **The Promenade Replat (16-PP-2005#3)**

Request: Approve the re-plat of Tract F in the Promenade subdivision to create Lot 25 on a 3.12±-acre parcel with General Commercial District (C-4) zoning.

Location: 7550 E. Paradise Lane

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

5. **Sereno Canyon Phase 4 Final Plat (16-PP-2017)**

Request: Approve the final plat for a new residential subdivision, including the improvement plans, for the 129±-acre Phase 4 development of the Sereno Canyon Community Plan.

Location: Northwest corner of E. Pinnacle Peak Road and N. 128th Street

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

6. Wolff Legacy Scottsdale Non-Major General Plan Amendment and Rezoning (7-GP-2017 and 23-ZN-2017)

Requests:

1. Adopt **Resolution No. 11212** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Commercial to Office on a 14±-acre site.
2. Adopt **Ordinance No. 4361** approving a zoning district map amendment from Industrial Park, Environmentally Sensitive Lands, Hillside District (I-1 ESL HD) and Central Business, Environmentally Sensitive Lands, Hillside District (C-2 ESL HD) to Commercial Office, Environmentally Sensitive Lands (C-O ESL) zoning on a 14±-acre site.

Location: North and west of the northwest corner of E. Legacy Boulevard and N. Pima Road

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

7. Spectrum – Camelback Rezoning (1-ZN-2018)

Request: Adopt **Ordinance No. 4360** approving a zoning district map amendment from Service Residential (S-R) to Commercial Office (C-O) zoning on 3.92± acres of a 4.5±-acre site.

Location: 8102 E. Camelback Road

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

8. Wolff Senior Living – Indian Bend/Fire Station 603 Development Agreement (6-DA-2018)

Request: Adopt **Resolution No. 11057** authorizing Agreement No. 2018-038-COS with Revel Scottsdale Development, LLC, to memorialize an in-lieu payment in the amount of \$26,387 and maintenance responsibility from the property owner of 8225 E. Indian Bend Road for a new off-site sidewalk and pedestrian lighting located at 8191 E. Indian Bend Road, as stipulated in Case No. 13-ZN-2017.

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

9. Site 42 – Reservoir Replacement

Request: Adopt **Resolution No. 11200** authorizing Construction Bid Award No. 18PB023 with Currier Construction, Inc., the lowest responsive bidder, in the amount of \$1,528,564 for construction of the Site 42, One Million Gallon Reservoir Replacement.

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov

10. Temporary Ballfield Fencing

Request: Adopt **Resolution No. 11220** authorizing a FY 2018/19 operating budget appropriation transfer in the amount of \$17,482 from the Community and Economic Development Division, Tourism and Events Department, to the Community Services Division, Parks and Recreation Department, to be funded by the Tourism Development Fund for youth sports field temporary, portable fencing and anchor system.

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

- 11. Community Fishing Program Intergovernmental Agreement**
Request: Adopt **Resolution No. 11142** authorizing Agreement No. 2018-061-COS with the Arizona Game and Fish Commission, in an amount not to exceed \$66,980 over the agreement's five-year term, to support a community fishing program at Chaparral Lake and Eldorado Pond.
Staff Contact(s): Bill Murphy, Community Services Director, 480-312-7954, bmurphy@scottsdaleaz.gov
- 12. Regional Wireless Cooperative Intergovernmental Agreement**
Request: Adopt **Resolution No. 11218** authorizing Agreement No. 2009-151-COS-A1 with the Regional Wireless Cooperative (RWC) to update the RWC's Governance Document.
Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov
- 13. Transit Services Intergovernmental Agreement**
Request: Adopt **Resolution No. 11219** authorizing Agreement No. 2018-126-COS with the Regional Public Transportation Authority in the amount of \$307,802 for FY 2018/19 transit services.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov
- 14. Treatment and Transportation of Central Arizona Project Water and Sale of Certain Franchise and Water System Assets Agreement**
Request: Adopt **Resolution No. 11221** authorizing Agreement No. 1989-013-COS-A2 with the Carefree Water Company to provide additional points of delivery and a method for future revisions to the points of delivery.
Staff Contact(s): Brian Biesemeyer, Water Resources Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
- 15. Scottsdale Airport/Airpark Rates and Fees**
Request: Accept and consider all citizen comments at a public hearing regarding proposed aviation rates and fees and adopt **Resolution No. 11082** authorizing and approving adjustments to the *Scottsdale Airport/Airpark Rates and Fees Schedule*, effective October 1, 2018.
Staff Contact(s): Gary Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
- 16. DUI Enforcement and Education Grant**
Request: Adopt **Resolution No. 11158** to authorize:
 1. Agreement No. 2018-066-COS with the DUI Abatement Council, administered by the State of Arizona, to accept a grant in the amount of \$50,000 to support DUI enforcement and education.
 2. A budget transfer in the amount of \$50,000 from the adopted FY 2018/19 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

- 17. Edward Byrne Memorial Justice Assistance Grant**
Request: Adopt **Resolution No. 11210** to authorize:
1. Acceptance of the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$30,935 to continue to partially fund a full-time property and evidence technician position.
 2. The Chief of Police, or designee, to execute any necessary documents or instruments in connection with the acceptance of the grant.
 3. A budget transfer in the amount of \$30,935 from the FY 2018/19 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900,
arodbell@scottsdaleaz.gov
- 18. Police Aide Position**
Request: Adopt **Resolution No. 11216** authorizing the addition of one full-time police aide position (1.0 FTE) to the Police Department without increasing the general fund budget.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900,
arodbell@scottsdaleaz.gov
- 19. Human Resources Management Code Amendment**
Request: Adopt **Ordinance No. 4352** amending Scottsdale Revised Code, Chapter 14, Human Resources Management, Sections 14-81, 14-82, and 14-83.
- Staff Contact(s):** Donna Brown, Human Resources Director, 480-312-2615,
dbrown@scottsdaleaz.gov
- 20. Maricopa Association of Governments Annual Membership Dues**
Request: Adopt **Resolution No. 11198** authorizing payment of annual membership dues in the amount of \$46,548 to the Maricopa Association of Governments for FY 2018/19.
- Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683,
blundahl@scottsdaleaz.gov
- 21. Gila River Adjudication Legal Services Contract**
Request: Adopt **Resolution No. 11197** authorizing Contract No. 2018-096-COS with Engelman Berger, P.C., in an amount not to exceed \$40,656.25 for the continued representation for FY 2018/19 in the Gila River General Stream Adjudication pursuant to Contract No. 2003-145-COS-A3 and authorizing the City Attorney to approve a one-year contract extension of Contract No. 2018-096-COS.
- Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405,
bwashburn@scottsdaleaz.gov
- 22. Audit Committee Recommendation for the Library Board Sunset Review**
Request: Adopt **Resolution No. 11207** accepting the Audit Committee's recommendation and authorizing the continuation of the Library Board.
- Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867,
swalker@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Vice Mayor Phillips made a motion to approve Consent Agenda Items 1 through 22, absent Item 2, which was moved to the Regular Agenda. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

REGULAR AGENDA

2. Porters Building Conditional Use Permit (6-UP-2018)

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 11215** approving a Conditional Use Permit for a Bar within a portion (Suite B) of an existing 2,900± square-foot building with Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) zoning.

Location: 3944 N. Brown Avenue

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

MOTION NO. 1 – ITEM 2

Councilman Smith made a motion to approve the Conditional Use Permit for a period of five years for a bar within a portion (Suite B) of an existing 2,900± square-foot building with Central Business District zoning. Councilwoman Littlefield seconded the motion. No vote taken.

ALTERNATE MOTION AND VOTE – ITEM 2

Mayor Lane made an alternate motion to adopt Resolution No. 11215. Councilmember Korte seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield and Milhaven voting in the affirmative and Councilman Smith dissenting.

23. HV91 Rezoning (24-ZN-2017)

Request: Adopt **Ordinance No. 4362** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands, Hillside District (R1-190 ESL HD) zoning to Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning for a new 17-lot subdivision on a 20±-acre site.

Location: Southwest corner of N. 91st Street and E. Happy Valley Road

Presenter(s): Meredith Tessier, Sr. Planner

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

Senior Planner Meredith Tessier gave a PowerPoint presentation (attached) on the rezoning request.

Applicant Representative John Berry spoke in support of the rezoning request.

Mayor Lane opened public testimony.

- Graham Clark, Scottsdale resident, spoke in opposition to the rezoning request.
- Anna Pancoost read a letter in support from Scottsdale resident George Nesmyer.

Mayor Lane closed public testimony.

MOTION AND VOTE – ITEM 23

Councilwoman Milhaven made a motion to adopt Ordinance No. 4362 approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands, Hillside District (R1-190 ESL HD) zoning to Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning for a new 17-lot subdivision on a 20±-acre site located at the southwest corner of 91st Street and East Happy Valley Road. Councilmember Korte seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

PUBLIC COMMENT – None

CITIZEN PETITIONS

24. Receipt of Citizen Petitions

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

MOTION AND VOTE – ITEM 24

Councilwoman Littlefield made a motion to direct the City Manager to investigate the citizen petition submitted by Darlene Petersen, which asks the City to prohibit vehicles having a gross weight exceeding 10,000 pounds, or having dual rear wheels exceeding 17" and a one-ton chassis, from parking in a residential lot, and prepare a written response to the Council, with a copy to the petitioner. Vice Mayor Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

MAYOR AND COUNCIL ITEMS

25. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for September 11, 2018)

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.

Citizens' Bond Oversight Committee (*one vacancy*) – Councilman Smith nominated Laraine Rodgers.

Human Relations Commission (*two vacancies*) – Councilmember Korte nominated James Eaneman and Jennifer Martin, Mayor Lane nominated Howard Jones and Emily Hinchman, Councilwoman Klapp nominated Jackie Parks and Debra Behrendt, and Vice Mayor Phillips nominated Donna Reid.

Human Services Commission (*two vacancies*) – Mayor Lane nominated Janice Eng and Andrew Song, Councilwoman Milhaven nominated Ashley Blaine, Councilwoman Littlefield nominated Patricia Nightingale, and Councilman Smith nominated Kanagaratanam Chinasamy.

Judicial Appointments Advisory Board (*one Scottsdale bar representative vacancy and one citizen representative vacancy*) – Councilwoman Klapp nominated Courtney Brimacombe and John Gilbert, Councilwoman Milhaven nominated Mary Jo Barsetti and Robert Gruler, and Councilmember Korte nominated Susan Galpin-Tyree.

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

Neighborhood Advisory Commission (*one vacancy*) – Councilwoman Milhaven nominated Jonathan Budwig, Councilwoman Littlefield nominated Kevin Maldonado, Councilman Smith nominated Amanda Nash, and Mayor Lane nominated John Baumer.

Tourism Development Commission (*one industry vacancy and one hotelier vacancy*) – Councilwoman Littlefield nominated David Woods and Jeanne Alspaugh, Vice Mayor Phillips nominated Linda Dillenbeck, and Councilman Smith nominated Richard Newman.

Transportation Commission (*one vacancy*) – Vice Mayor Phillips nominated John Deniston, Councilman Smith nominated Dwayne Guthrie, Councilmember Korte nominated Peggy Young, Mayor Lane nominated Kent Lall, Councilwoman Klapp nominated Brent Gayler, and Councilwoman Littlefield nominated David Dubner.

ADJOURNMENT

The Regular City Council Meeting adjourned at 6:19 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

Officially approved by the City Council on September 25, 2018

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 28th day of August 2018.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 25th day of September 2018.



Carolyn Jagger, City Clerk

Item 23



HV91
24-ZN-2017

City Council
08/28/2018

Coordinator: Meredith Tessier

HV91



Context Aerial

24-ZN-2017

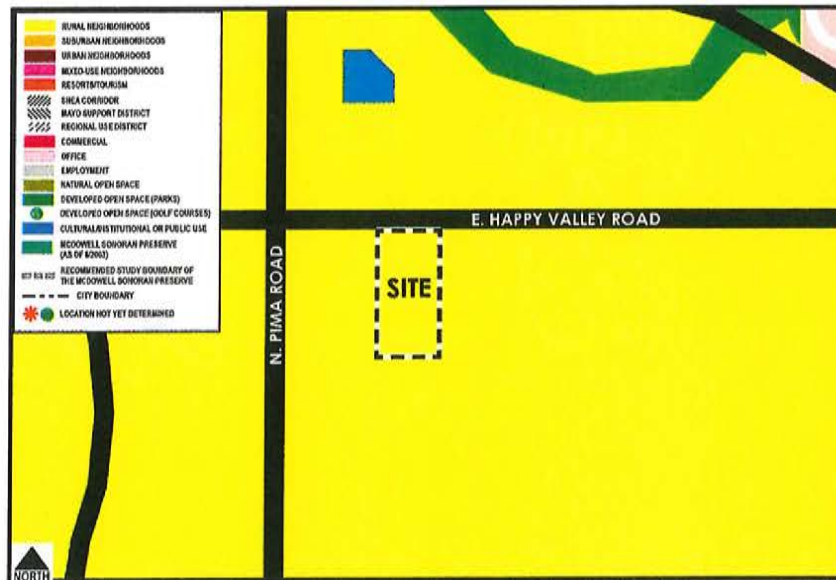
HV91



Detail Aerial

24-ZN-2017

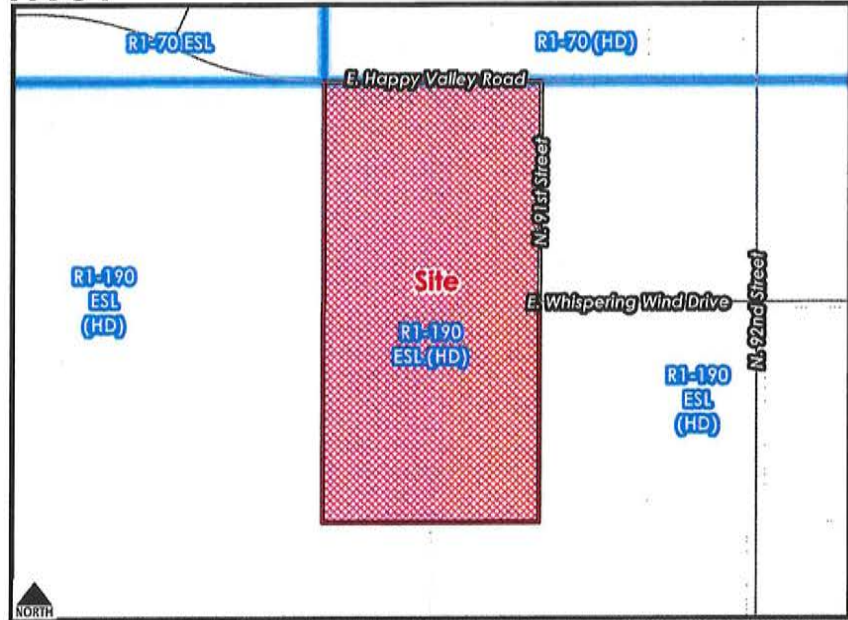
HV91



Existing General Plan Land Use

24-ZN-2017

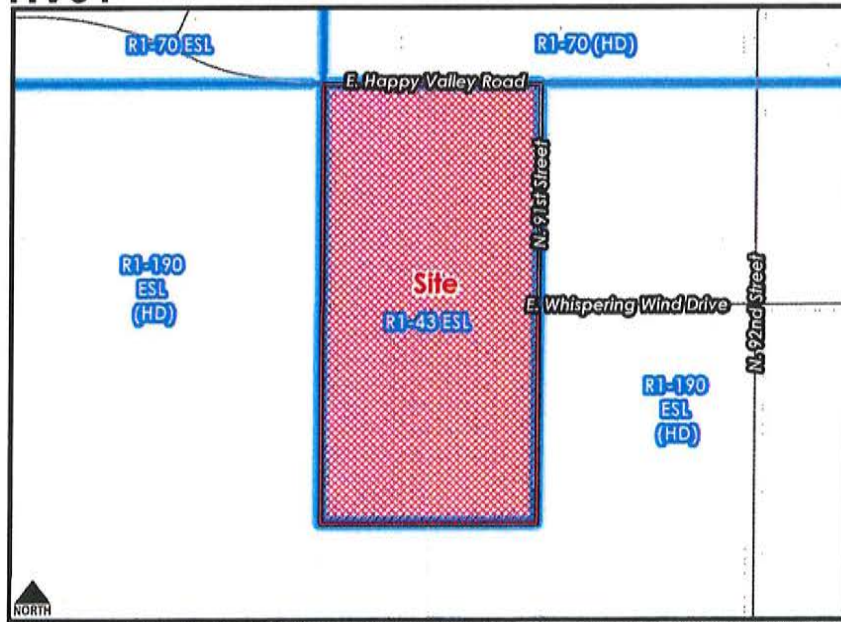
HV91



Existing Zoning

24-ZN-2017

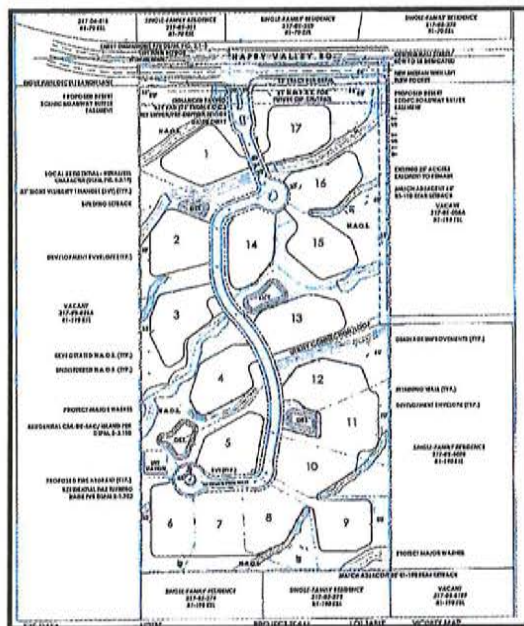
HV91



Proposed Zoning

24-ZN-2017

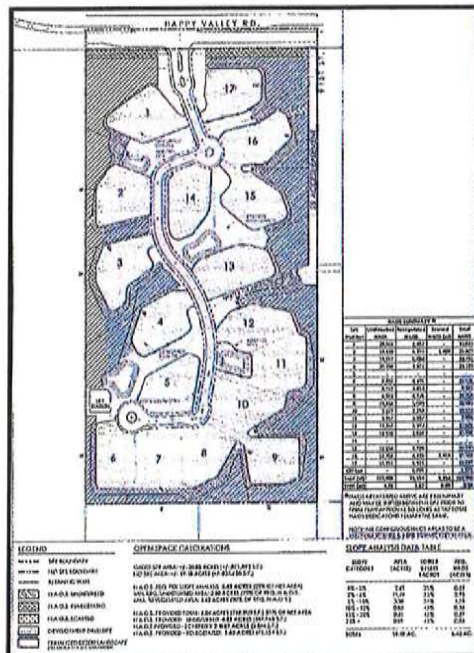
HV91



Site Plan

24-ZN-2017

HV91



NAOS Plan

24-ZN-2017

HV91

- Conformance to the 2001 General Plan
- A 50-foot wide Desert Scenic Roadway Buffer along E. Happy Valley Road
- Excess of 0.6 acres of NAOS
- Correspondence of opposition and support
- Planning Commission hearing this case on May 23, 2018 and recommended approval with a 5-0 vote

Key Items for Consideration

24-ZN-2017

PETITION

I the undersigned do petition the City of Scottsdale to pass a resolution that would prohibit vehicles having a gross weight (G VWR) exceeding ten thousand (10,000) pounds or having dual rear wheels exceeding seventeen inches (17") and a one ton chassis must not be parked in a residential lot.

Darlene L. Petersen
7327 E. Wilshire Dr.
Scottsdale. Az 85257
480 994-9010

Darlene L. Petersen

August 28, 2018

OFFICE OF THE
CITY CLERK
2018 AUG 28 PM 4:19

PARKING ORDINANCE CITY OF SCOTTSDALE

1. Parking and driveway area shall not exceed 35% of the required front yard area. It must be (contiguous). Parcels or lots zoned for lot sizes in excess of thirty five thousand---35.000-sq. feet shall be exempt from the screening requirements set forth in this section.
2. All vehicles parking shall be on a designated, improved surface (defined in a prior ordinance.)
3. Vehicles must be two (2) feet from the sidewalk or curb and one (1) foot from the entire property side lot line.
4. A recreational vehicle is a general term for a vehicle bearing current license and or registration which includes the following camper trailer, travel trailer, truck camper, motor home, boat trailer, horse trailer, utility trailer, and boat.
5. a.) Recreational vehicles shall not be parked in the designated front yard.
b.) Recreational vehicles in the side yard should have a one (1) foot set back from the side property line and the RV should be screened by a six foot wall or solid fence or gate.
c.) Recreational vehicles may be parked in the (backyard) with required setbacks provided herein.
6. Parking of recreational vehicles may be in an enclosed, permanent structure, within the buildable area.
7. The vehicle shall not be used for living quarters or business purposes.
A commercial vehicle that is used for work (as plumbing, electrical, landscaping if used five (5) days a weeks and brought home every night) may be parked in the driveway. Vehicles having a gross weigh rating (GVWR) exceeding ten thousand (10,000) pounds or having dual rear wheels exceeding seventeen inches (17") and a one-ton chassis must not be parked in a residential lot.
9. Temporary parking of RV's on the public street subject to city parking and traffic regulations or driveway, is allowed to the maximum of seventy two(72) consecutive hours to allow for leading and unloading (not more often then twice in any seven consecutive day period). Occurrences must be separated by at least thirty (30) (days).
10. The regulations contained within this chapter are not intended to supersede any lawfully established, covenants, conditions and restrictions relating to the parking of recreational vehicles and utility trailers nor shall the granting of any special permit supersede any lawful Homeowners Association applicable to the subject property.
The Parking Ordinance will take effect (1) year from the time of a City Council approval.
Public notices to violators can originate from citizens or city employee observations. Code Enforcement shall have two business days to physically inspect the property.
11. The parking ordinance will take effect one (1) year from the date of City Council approval.
12. Public notices to violators can originate from citizens or city employee observations.
Code Enforcement shall have two (2) business days to physically inspect the property.

2001 the City amended an ordinance to provide commercial storage areas to accommodate these vehicles with C-3 and I-1 zoning.

Submitted by Sonnie Stevens 602 717-3886
Patty Badenoch 489 949-9549
Darlene Petersen 480 994-9010

Kirtley

4-26-05