

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM No. A1, CONSENT ITEM No. 20A, AND REGULAR ITEM Nos. 23 AND 24]

COUNCIL

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

Linda Milhaven
Guy Phillips
David N. Smith

Wednesday, July 6, 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 a subsequent Council meeting date (August 30 or 31, 2016).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:06 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 – Vice Mayor Littlefield

Invocation – Student Pastor Joshua Newton, First Southern Baptist Church of Scottsdale

Mayor's Report – Mayor Lane presented a proclamation honoring Sister Cities International Day to Scottsdale Sister Cities Association President Kathy George.

Presentations/Information Updates – None

Public Comment – Louise Lamb expressed support for Councilmember Korte's position on transportation options.

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

Regular Item Nos. 23 and 24 were added to the agenda on June 30, 2016.

Request: Vote to accept the agenda as presented or continue the added item(s) to the August 30, 2016 or August 31, 2016 Council meeting.

– Councilmember Korte made a motion to accept the agenda as presented for Item 23.

Councilwoman Milhaven seconded the motion, which carried 5/2, with Vice Mayor Littlefield and Councilman Smith dissenting.

– Councilmember Korte made a motion to accept the agenda as presented for Item 24. Vice Mayor Littlefield seconded the motion, which carried 7/0.

CONSENT AGENDA

ITEMS 1-20A

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 20A, absent Item 11, which was moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0.

1. [Hand Cut Liquor License \(47-LL-2016\)](#) – **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: 7135 E. Camelback Road, Suite 154

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

2. [Valero Liquor License \(48-LL-2016\)](#) – **Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for an existing location with a new owner.

Location: 6842 E. Thomas Road

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

3. [The Beverly Liquor License \(49-LL-2016\)](#) – **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: 7018 E. Main Street

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

4. [Uncorked Wine Lounge & Eatery Liquor License \(50-LL-2016\)](#) – **Approved on Consent. (It was clarified that the application is for a series 7, beer and wine bar, liquor license.)**

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: 17025 N. Scottsdale Road, Suite 140

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

5. **Cedar Room Cigars Liquor License (51-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 an existing location with a new owner.
Location: 20715 N. Pima Road, Suite F-100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Bodega 13 Liquor License (52-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: 8876 Pinnacle Peak Road, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Easy Rider Beverage Distributing, LLC, Liquor License (53-LL-2016) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesale) State liquor license for a new location and owner.
Location: 10456 N. 74th Street, Suite 5002
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **The Great Australian Bakery Wine & Dine Liquor License (54-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: 7217 E. Main Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Taj Mahal Liquor License (55-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
10. **Off Road Expo Event – Approved on Consent.**
Request: Adopt **Resolution No. 10485** to authorize:
 1. Funding not to exceed \$75,000 from the City portion of event development bed tax funding for the Off Road Expo event.
 2. New Event Funding Agreement No. 2016-084-COS with The Promotion Company, Inc., a division of Bonnier Corporation.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
11. **Fiscal Year 2016/17 Community Event Funding Program – Councilman Smith made a motion to direct staff to keep the Community Event Funding as it currently exists for Item 1 (payments at 75% before the event and 25% after the event) and Item 2 (marketing/advertising at no minimum), and to proceed with the recommended changes for Item 3 (requiring a budget) and Item 4 (funding up to \$30,000, plus up to an additional 10% for an event that is held May through December). Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Korte and Milhaven dissenting.**
Request: Adopt **Resolution No. 10457** authorizing bed tax funding to be allocated for events to be identified in the FY 2016/17 Community Event Funding Program; and authorizing the Mayor to execute individual agreements with each event producer.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

12. **Fiscal Year 2016/17 Matching Event Advertising Funding Program – Approved on Consent.**
Request: Adopt **Resolution No. 10458** authorizing bed tax funding to be allocated for events to be identified in the FY 2016/17 Matching Event Advertising Funding Program; and authorizing the Mayor to execute individual agreements with each event producer.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
13. **Fiscal Year 2016/17 Event Venue Fee Funding Program – Approved on Consent.**
Request: Adopt **Resolution No. 10459** authorizing bed tax funding to be used for development of events to be identified in the FY 2016/17 Event Venue Fee Funding Program; and authorizing the Mayor to execute individual agreements with each event producer.
Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov
14. **Fire Department Budget Transfer – Approved on Consent.**
Request: Adopt **Resolution No. 10517** authorizing a FY 2016/17 General Fund Operating Contingency budget transfer in the amount of \$100,000 to the Fire Department's General Fund Operating budget for costs associated with providing EMS training related to new clinical modalities and upgrades.
Staff Contact(s): Tom Shannon, Fire Chief, 480-312-1821, tshannon@scottsdaleaz.gov
15. **Summary Plan Descriptions Amendments – Approved on Consent.**
Request: Adopt **Resolution No. 10500** approving the Summary Plan Descriptions which provide complete information concerning the City's medical benefit plans.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
16. **Cigna Health and Life Insurance Company Administrative Services Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 10501** authorizing Agreement No. 2016-093-COS with Cigna Health and Life Insurance Company to administer medical, pharmacy, dental, employee assistance program, and behavioral health benefits to City employees beginning July 1, 2014.
Staff Contact(s): Donna Brown, Human Resources Director, 480-312-2615, dbrown@scottsdaleaz.gov
17. **Emergency Operations Plan – Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4262** amending Scottsdale Revised Code, Chapter 10, Civil Defense and Emergency Services.
 2. Adopt **Resolution No. 10415** approving the City of Scottsdale Emergency Operations Plan.**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov
18. **City Auditor's Fiscal Year 2016/17 Audit Plan – Approved on Consent.**
Request: Approve the City Auditor's FY 2016/17 Audit Plan, as recommended by the Council's Audit Committee at its June 20, 2016, meeting.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
19. **Fiscal Year 2015/16 Operating Budget Adjustments – Approved on Consent.**
Request: Adopt **Resolution No. 10523** authorizing FY 2015/16 operating budget adjustments.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

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

Request: Accept the FY 2015/16 Monthly Financial Report as of April 2016.

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

***20A. **Hall v. City of Scottsdale Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10530** authorizing settlement in the amount of \$32,000 of the petition to reopen Mary Jo Hall's worker's compensation claim against the City entitled *Hall v. City of Scottsdale*, Case No. 20041-660067, currently pending before the Industrial Commission of Arizona.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA ITEMS 21-24

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.**

21. **Stormwater and Floodplain Management Code Amendment**

Requests:

1. Adopt **Ordinance No. 4246** amending Scottsdale Revised Code, Chapter 37, Stormwater and Floodplain Management.
2. Adopt **Resolution No. 10402** declaring the document entitled "Scottsdale Revised Code, Chapter 37, Stormwater and Floodplain Management" to be a public record.

Presenter(s): Ashley Couch, Stormwater Project Manager

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

– Stormwater Project Manager Ashley Couch presentation.

– Vice Mayor Littlefield made a motion to continue Item 21. Councilman Phillips seconded the motion. No vote was taken.

– Councilmember Korte made an alternate motion to adopt Ordinance No. 4246 and Resolution No. 10402. Councilwoman Milhaven seconded the motion, which carried 5/2, with Vice Mayor Littlefield and Councilman Phillips dissenting.

22. **Monthly Financial Update**

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

***23. **SkySong Ground Lease Amendment**

Request: Adopt **Resolution No. 10492** authorizing Contract No. 2004-119-COS-A7, the seventh amendment to the ground lease with ASUF Scottsdale, LLC, regarding the location and configuration of the City's remaining 1.5-acre parcel in the SkySong development.

Presenter(s): Martha West, Sr. Real Estate Manager

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

– Senior Real Estate Manager Martha West presentation.

– Councilman Smith made a motion to continue Item 23. Vice Mayor Littlefield seconded the motion. No vote taken.

– Councilwoman Milhaven made an alternate motion to adopt Resolution No. 10492 authorizing Contract No. 2004-119-COS-A7, with all of the additional amendments that were presented. Councilmember Korte seconded the motion, which carried 6/1, with Councilman Smith dissenting.

***24. Special Event User Guide

Request: Presentation, discussion, and possible direction to staff regarding the first edition of the Special Event User Guide and Rules.

Presenter(s): Karen Churchard, Tourism and Events Director

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

– Tourism and Events Director Karen Churchard presentation.

– Council offered the following comments and suggestions:

Add language to clarify/define:

- Each party's (applicant's and City's) responsibilities.
- The applicant has the responsibility of demonstrating that the net aggregate impact of a proposed event will not be negative, but the City will make the decision on the positive/negative impact of the proposed event and whether a permit will be granted.
- Who (City and/or the applicant) is responsible for notifying surrounding neighbors and businesses regarding an event.
- The City's signage criteria and regulations.

Create a definition in the Special Event Ordinance for Farmer's Markets held on public or private property, along with the number of permitted days for that usage. Include a provision that does not require a Farmer's Market applicant to apply every quarter.

Expand the notification area.

Notification distance should be on a case by case basis, depending upon the anticipated impact of the proposed event.

Establish a notification standard of 750 feet. Determine if any other businesses beyond that point will be impacted and notify those businesses of the proposed event.

The City should be responsible for all notifications, including street closures.

The impact of a proposed event needs to be measured quantitatively and all decisions need to be made by the City.

Whenever possible, quantify (measurable) the determination criteria so that it is clear to everyone how determinations are made.

If the data indicates the negative impact is greater than 50%, the permit should not be issued until the concerns are resolved.

Provide a process for resolving negative impact and moving forward with an application whenever possible.

14-day input before issuance of a permit is good idea.

Tabulate the responses and make them public before a permit is issued.

Make sure the guidelines are clear to anyone who reads them, not just event producers.

Post the revised guidelines and provide a copy to Council.

Track the number of event applications received, how many go forward, and how many do not go forward because they did not meet the Special Event criteria so the City can measure the impact of the new ordinance.

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 25

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.

25. **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 – 8:48 P.M.