

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
REGULAR MEETING  
MONDAY, JULY 1, 2013**



**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 5:01 P.M. on Monday, July 1, 2013, in the City Hall Kiva.

**ROLL CALL**

Present: Mayor W.J. "Jim" Lane  
Vice Mayor Suzanne Klapp  
Councilmembers Virginia L. Korte, Robert W. Littlefield, Linda Milhaven, Guy Phillips, and Dennis E. Robbins

Also Present: City Manager Fritz Behring  
City Attorney Bruce Washburn  
City Treasurer David Smith  
City Auditor Sharron Walker  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Councilman Phillips

**INVOCATION** – Reverend John Botic, First Baptist Church of Scottsdale

**MAYOR'S REPORT**

Mayor Lane read a proclamation declaring July as "Parks and Recreation" Month.

**CITY MANAGER'S REPORT** – None

**PRESENTATIONS/INFORMATION UPDATES** – None

**PUBLIC COMMENT**

- Mike Mayer commented on the new hunting regulations in the Preserve.

**NOTE:** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN BY THE CITY COUNCIL. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## ADDED ITEMS

### A1. Added Items

Item Nos. 12A, 29A, and 29B were added to the agenda June 27, 2013.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is August 19, 2013.

## MOTION AND VOTE - ADDED ITEMS

Councilwoman Milhaven made a motion to accept the agenda as presented. Vice Mayor Klapp seconded the motion, which carried 7/0.

## MINUTES

**Request:** Approve the Special Meeting Minutes of June 4, 2013; Regular Meeting Minutes of June 4, 2013; and Special Joint Meeting Minutes of June 11, 2013.

## MOTION AND VOTE - MINUTES

Councilmember Korte made a motion to approve the Special Meeting Minutes of June 4, 2013; Regular Meeting Minutes of June 4, 2013; and Special Joint Meeting Minutes of June 11, 2013. Vice Mayor Klapp seconded the motion, which carried 7/0.

## CONSENT AGENDA

### 1. **W Scottsdale Liquor License (35-LL-2013)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change for an existing Series 6 (bar) liquor license.

**Location:** 7277 E. Camelback Road

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

### 2. **Hopdoddy Burger Bar Liquor License (36-LL-2013)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for a new location and owner.

**Location:** 11055 N. Scottsdale Road

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

### 3. **Pita House Liquor License (37-LL-2013)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location and new owner.

**Location:** 7210 E. 1<sup>st</sup> Avenue, Suite 16

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

- 4. Virtu Liquor License (38-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location and new owner.  
**Location:** 3701 N. Marshall Way  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 5. VinoLicious Liquor License (39-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesale) liquor license for a new location and owner.  
**Location:** 10456 N. 74<sup>th</sup> Street, Suite 124  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 6. Pomo Pizzeria Napoletana Liquor License (40-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 8977 N. Scottsdale Road, Suite 502  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 7. Monterra at Westworld of Scottsdale Liquor License (41-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.  
**Location:** 16601 N. Pima Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 8. Arte Senior Living Liquor License (42-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 11415 N. 114<sup>th</sup> Street  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 9. Altitude Coffee Lab Liquor License (43-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for a new location and owner.  
**Location:** 8320 N. Hayden Road, Suite 107  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 10. Karaikudi Palace Indian Cuisine Liquor License (45-LL-2013)**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 8752 E. Shea Boulevard, Suite C-11  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**11. The Standard at Valley Ho Rezoning (1-ZN-2004#3)**

**Requests:**

1. Adopt **Resolution No. 9437** declaring "The Standard at Valley Ho Development Plan" as a public record.
2. Adopt **Ordinance No. 4096** modifying previously-approved zoning stipulations and amended development standards (Case 1-ZN-2004#2) and approving a new development plan for a 135-unit residential development; finding that the Planned Block Development criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 4± acre site (Parcel B) located at the southwest corner of Main Street and 69th Street, with Downtown, Residential/Hotel, Type 2, Planned Block Development, Downtown Overlay (D/RH-2 PBD/DO) zoning.

**Location:** 6833 E. Main Street

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**12. Scottsdale 92 Lofts Non-Major General Plan Amendment and Rezoning (3-GP-2013 and 6-ZN-2013)**

**Requests:**

1. Adopt **Resolution No. 9457** approving a Non-Major General Plan Amendment to the Scottsdale General Plan Land Use Designation Map from the Commercial land use designation to the Mixed-Use Neighborhoods land use designation on a 4.6± acre site for Case No. 3-GP-2013.
2. Adopt **Ordinance No. 4100** approving an amendment to the Planned Community (P-C) district from Comparable Commercial (C-3) zoning district uses and site development standards to Comparable Mixed-Use (PUD) zoning district uses with amended site development standards; amend the development plan for the McCormick Ranch master development plan by approving a new development plan; finding that the Planned Community (P-C) district criteria have been met and that the comparable Planned Unit Development (PUD) district criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 4.6± acre site for Case No. 6-ZN-2013.
3. Adopt **Resolution No. 9458** declaring "Scottsdale 92 Lofts Development Plan" as a public record.

**Location:** 10301 N. 92<sup>nd</sup> Street

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**12A. Sierra Reserve (2-PP-2012)**

**Request:** Adopt **Resolution No. 9455** approving acceptance of title to a 0.22± acre parcel of land.

**Location:** Northeast corner of N. 118<sup>th</sup> Street and E. Rio Verde Drive

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**13. Princess Townhomes Final Plat (31-PP-2012)**

**Request:** Approve the final plat for a 52-lot residential townhome subdivision on 4.94± acres with Multiple-Family Residential District (R-5) zoning.

**Location:** 7777 E. Princess Boulevard; **Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

- 14. Granite Reef Place Final Plat (36-PP-2012)**  
**Request:** Approve the final plat for a 13-lot single-family residential subdivision on 3.8± acres with Single-Family Residential District (R1-7) zoning.  
**Location:** 3543 N. Granite Reef Road; **Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- 15. Outdoor Dining License Agreement**  
**Request:** Adopt **Resolution No. 9449** authorizing Agreement No. 2007-189-COS-A1, the first amendment to an outdoor dining license agreement with SRP, for a patio area at 7144 E. Stetson.  
**Location:** 7144 E. Stetson Drive, Suite 205  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
- 16. Granite Reef Wash Watershed Engineering Services Contract**  
**Request:** Adopt **Resolution No. 9456** authorizing Engineering Services Contract No. 2013-085-COS, in the amount of \$300,617, with T.Y. Lin International (TYLIN) for engineering services to be conducted in the Granite Reef Wash Watershed.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
- 17. Real Property Conveyance**  
**Request:** Adopt **Resolution No. 9450** approving the sale of two adjoining parcels to Pinnacle Peak Country Club, Inc., for \$17,200.  
**Location:** South of Pinnacle Peak Road and West of Pima Road; **Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
- 18. North Canal Bank Improvements-Marshall Way to Goldwater Budget Transfers**  
**Request:** Adopt **Resolution No. 9441** authorizing budget transfers totaling \$1,946,000 to a newly created CIP project titled North Canal Bank Improvements-Marshall Way to Goldwater to record all financial transactions, as follows:  
  1. A General Fund Capital Contingency budget appropriation transfer in the amount of \$950,000 to be funded by contributions from Salt River Project (SRP) through the SRP Aesthetic Fund.
  2. Budget transfers in the amount of \$996,000 from the following accounts funded by the 0.2% Sales Tax budget: CIP projects YA28A and Y1328 (Bikeways Program) and CIP projects Y1120 and Y1320 (Sidewalk Improvements).**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)
- 19. Belleview Property Improvements Capital Contingency Budget Transfer**  
**Request:** Adopt **Resolution No. 9460** authorizing a General Fund Capital contingency budget transfer in the amount of \$150,000; and creating a new CIP project titled Belleview Property Improvements for the design and rehabilitations of City-purchased properties at 7220 and 7224 East Belleview Street.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)

- 20. Federal Transit Administration Grant Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 9361** authorizing Intergovernmental Agreement No. 2013-045-COS with the City of Phoenix for pass through of Federal Transit Administration AZ-90-X114 grant funds in the amount of \$305,235 for preventive maintenance of trolley service and City-owned transit vehicles.  
**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, [pbasha@scottsdaleaz.gov](mailto:pbasha@scottsdaleaz.gov)
- 21. WestWorld ATM Services License Agreement**  
**Request:** Adopt **Resolution No. 9447** authorizing License Agreement No. 2013-081-COS with Desert Cash ATM, Inc., dba ACM Quick Cash, to provide automated teller machines (ATM) services at WestWorld.  
**Staff Contact(s):** Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, [pkatsenes@scottsdaleaz.gov](mailto:pkatsenes@scottsdaleaz.gov)
- 22. Scottsdale Showdown Event**  
**Request:** Adopt **Resolution No. 9444** to authorize:  
1. Funding in the amount of \$75,000 from the City portion of bed tax allocated toward event development for the Scottsdale Showdown event.  
2. New Event Funding Agreement No. 2013-080-COS with the Scottsdale Charros, the event producer.  
**Staff Contact(s):** Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, [pkatsenes@scottsdaleaz.gov](mailto:pkatsenes@scottsdaleaz.gov)
- 23. Fiscal Year 2013/14 Community Event Funding Program**  
**Requests:**  
1. Approve the recommendations authorizing a total of \$100,000 from bed tax revenues for the FY 2013/14 community events outlined in the Council Report.  
2. Adopt **Resolution No. 9446** authorizing expenditure of budgeted bed tax funds for recommended FY 2013/14 community events and authorizing the Mayor to execute individual agreements with each event producer.  
**Staff Contact(s):** Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, [pkatsenes@scottsdaleaz.gov](mailto:pkatsenes@scottsdaleaz.gov)
- 24. Tourism Advisory Task Force**
- Item 24 was moved to the Regular Agenda after Item 31 (see Page 8).
- 25. Financial Statement Audit Contract Modification**  
**Requests:**  
1. Adopt **Resolution No. 9464** authorizing Contract No. 2011-044-COS-A1, modifying the Financial Statement Audit Contract with CliftonLarsonAllen LLP to change the contract administrator from the Finance and Accounting Division staff to the City Auditor, and making other conforming changes.  
2. Adopt **Resolution No. 9466** authorizing the associated budget in the amount of \$94,462 to be transferred from the Finance and Accounting Division to the City Auditor's Office.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
- 26. City Auditor's Fiscal Year 2013/14 Audit Plan**  
**Request:** Approve the City Auditor's FY 2013/14 Audit Plan, as recommended by the Council's Audit Committee at its June 17, 2013 meeting.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

**27. City Privilege/Use Tax Code Amendment**

**Request:** Adopt **Ordinance No. 4103** amending Appendix C of the Scottsdale Revised Code, relating to taxation, to achieve conformity with the January 2013 Municipal Tax Code Commission changes.

**Staff Contact(s):** David N. Smith, City Treasurer, 480-312-2364, [dasmith@scottsdaleaz.gov](mailto:dasmith@scottsdaleaz.gov)

**28. City Privilege/Use Tax Code Amendment**

**Request:** Adopt **Ordinance No. 4104** amending Appendix C of the Scottsdale Revised Code, relating to taxation, to achieve conformity with the March 2013 Municipal Tax Code Commission changes.

**Staff Contact(s):** David N. Smith, City Treasurer, 480-312-2364, [dasmith@scottsdaleaz.gov](mailto:dasmith@scottsdaleaz.gov)

**29. City Privilege/Use Tax Code Amendment**

**Request:** Adopt **Ordinance No. 4105** amending Appendix C of the Scottsdale Revised Code, relating to taxation, to achieve conformity with the May 2013 Municipal Tax Code Commission changes.

**Staff Contact(s):** David N. Smith, City Treasurer, 480-312-2364, [dasmith@scottsdaleaz.gov](mailto:dasmith@scottsdaleaz.gov)

**29A. Prepayment of Cost-Sharing Contract**

**Request:** Adopt **Resolution No. 9481** authorizing a budget transfer of \$2,799,561.28 from the General Fund Operating Contingency to the Debt Service Fund to prepay the full balance due on the City's February 13, 1976 contract with the Federal Government, Department of the Army (Contract No. 860804).

**Staff Contact(s):** David N. Smith, City Treasurer, 480-312-2364, [dasmith@scottsdaleaz.gov](mailto:dasmith@scottsdaleaz.gov)

**29B. City Court Public Defender Services Contracts**

**Request:** Adopt **Resolution No. 9471** authorizing the following professional service contracts to provide legal representation of indigent and quasi-indigent defendants in City Court:

1. Contract No. 2013-097-COS with Silva Law Firm, P.C.
2. Contract No. 2013-098-COS with Ana Maribet Sanchez, P.L.L.C.
3. Contract No. 2013-099-COS with Bain & Lauritano, P.C.
4. Contract No. 2013-100-COS with Elkie Law Offices, P.C.
5. Contract No. 2013-101-COS with the Law Office of Alexander Y. Benikov, P.L.L.C.
6. Contract No. 2013-102-COS with the Law Office of V. Tyler Harrison, P.L.L.C.
7. Contract No. 2013-103-COS with the Law Office of Henry J. Clark, Jr.
8. Contract No. 2013-104-COS with the Law Office of Chad D. Niven

**Staff Contact(s):** Joseph Olcavage, Presiding Judge, 480-312-2775, c/o [idybas@scottsdaleaz.gov](mailto:idybas@scottsdaleaz.gov)

**29C. Settlement of Quinet and Ruiz v. City of Scottsdale**

**Request:** Adopt **Resolution No. 9479** authorizing Contract Nos. 2013-126-COS and 2013-127-COS providing for settlement of *Susan Quinet and Michelle Ruiz v. City of Scottsdale*, pending in United States District Court, Cause Number CV 12-02743-JWS.

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

**MOTION AND VOTE - CONSENT AGENDA**

Councilwoman Milhaven made a motion to approve Consent Items 1 through 29C, absent Item 24. Councilman Robbins seconded the motion, which carried 7/0.

## REGULAR AGENDA

### 30. **Scottsdale Mountain Villas Rezoning (3-ZN-2013)**

**Request:** Adopt **Ordinance No. 4097** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Single-Family Residential, Environmentally Sensitive Lands (R1-5 ESL) zoning; and finding that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on 5± acres.

**Location:** South side of E. Coyote Road, West of N. 135<sup>th</sup> Place

**Presenter(s):** Keith Niederer, Senior Planner

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Item 30 was moved to August 20, 2013 at the request of the applicant.

### 31. **Council Rules of Procedure**

**Request:** Adopt **Resolution No. 9433** approving the amended Rules of Council Procedure.

**Presenter(s):** Bruce Washburn, City Attorney; Carolyn Jagger, City Clerk

**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov); Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

City Attorney Bruce Washburn gave a presentation (attached) on the proposed changes to the Council Rules of Procedure.

## MOTION AND VOTE - ITEM 31

Vice Mayor Klapp made a motion to continue Item 31 until after Item 32. Councilwoman Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilman Littlefield dissenting.

### 24. **Tourism Advisory Task Force**

**Request:** Adopt **Resolution No. 9448** establishing the Tourism Advisory Task Force and appointing the following nine members and five alternates:

1. Members: Pam Gilbert, Fred Unger, Cory Baker, Matthew Wright, Craig Jackson, Taryl O'Shea, Margaret Dunn, John Holdsworth, and Gabrielle Enriquez.
2. Alternates: Kathy Duley, Susan Morrow Potje, Richard Hayslip, Kate Birchler, and Andrew Chippindall.

**Staff Contact(s):** Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, [pkatsenes@scottsdaleaz.gov](mailto:pkatsenes@scottsdaleaz.gov)

Tourism Development Coordinator Steve Geiogamah gave a PowerPoint presentation (attached) on the objectives and membership selection process for the Tourism Advisory Task Force.

## MOTION NO. 1 AND VOTE - ITEM 24

Councilmember Korte made a motion to adopt Resolution No. 9448 establishing the Tourism Advisory Task Force and appointing the following nine members and five alternates:

1. Members: Pam Gilbert, Fred Unger, Cory Baker, Matthew Wright, Craig Jackson, Taryl O'Shea, Margaret Dunn, John Holdsworth, and Gabrielle Enriquez.
2. Alternates: Kathy Duley, Susan Morrow Potje, Richard Hayslip, Kate Birchler, and Andrew Chippindall.

The motion died for lack of a second.



### **MOTION NO. 2 AND VOTE - ITEM 24**

Councilman Robbins made a motion to: (1) Adopt Resolution No. 9448 establishing the Tourism Advisory Task Force; (2) increase the number of task force members from nine to eleven; and (3) call for a Council vote on the additional two members ensuring the majority of the task force members are Scottsdale residents. Councilman Littlefield seconded the motion, which carried 7/0.

### **MOTION NO. 3 AND VOTE - ITEM 24**

Mayor Lane made a motion to appoint Richard Hayslip. Councilwoman Milhaven seconded the motion, which carried 7/0.

### **MOTION NO. 4 AND VOTE - ITEM 24**

Councilman Robbins made a motion to appoint Kate Birchler. Vice Mayor Klapp seconded the motion, which carried 7/0.

#### **31A. Security Enhancement Ordinance Update**

**Request:** Update and discussion on a proposed ordinance designed to promote safety and security at certain businesses within the City by requiring them to have a public safety plan. This item was added to the agenda at the request of Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, Phillips, and Robbins.

**Presenter(s):** J.P. Twist, Mayor's Chief of Staff

**Staff Contact(s):** J.P. Twist, Mayor's Chief of Staff, 480-312-7806, [jptwist@scottsdaleaz.gov](mailto:jptwist@scottsdaleaz.gov)

Mayor's Chief of Staff J.P. Twist gave a PowerPoint presentation (attached) on the draft Public Safety Plan Ordinance.

#### Discussion:

- Mr. Twist noted that churches and non-profit organizations are exempt from the ordinance. Special events are also exempt from the ordinance because the special event application process addresses safety concerns. If approved, Mr. Twist believes it will take approximately 60 days to train establishments affected by the ordinance.
- Senior Assistant City Attorney Luis Santaella clarified that any area on a property, including the parking lot, is considered part of the business and would be subject to the ordinance.
- City Attorney Bruce Washburn explained that Conditional Use Permit (CUP) requirements and Public Safety Plan requirements operate independently from one another. The fact that there is a CUP would not alter the effects of the law regarding security. Most businesses are required to have a Transaction Privilege Tax License and a Liquor License, in addition to a CUP. The absence of any one of those would prohibit a person from conducting business.
- Mr. Santaella reported that Section 23-69 of the ordinance states that, if there is a conflicting provision between a CUP and the Public Safety Plan, the plan with a higher public safety element would apply. If the Council adopts the ordinance, the Security, Maintenance and Operations Plan of the CUP will still be relevant because it covers things that the Public Safety Plan does not.
- Assistant Police Chief Cocca said a three-hour training course will be offered to security personnel. The course objectives are to reduce violence and to collaborate with businesses to develop positive working environments. He believes training would be completed within 90 days after the ordinance was implemented.
- Fire Chief Zimmerman reviewed the occupancy inspection training and crowd management components of the security officer training.

Mayor Lane opened public testimony.

- Jason Morris, Withey Morris PLC, on behalf of Triyar Entertainment, does not want the City to enact policy that punishes all businesses for those establishments that may not be acquainted with good management. Mr. Morris would also like the policy to be customized, rather than a one size fits all policy. He noted that larger venues may not need the same amount of regulation or may need different regulation than smaller venues.
- Joe Galli, North Scottsdale Chamber of Commerce, believes the ordinance should be applied more broadly than what the City may be intending. He would like to see business costs weighed, and is concerned that the loss of a business license could result in a business moving investments elsewhere in the valley.

Mayor Lane closed public testimony.

Discussion:

- Mr. Twist clarified that any business with a Security, Maintenance, and Operations Plan will be required to be in compliance with the Public Safety Plan Ordinance.
- A Councilmember stressed the importance of requiring bars to hire Scottsdale Police Officers as off-duty peace officers to ensure all incidents are reported.

## **MAYOR AND COUNCIL**

### **31B. Request to Agendize a Discussion on Security in the Entertainment District**

**Request:** At the request of Councilman Littlefield, provide possible direction to staff to agendize: A discussion and possible direction to staff to report to the Council on ways to enhance security in the Entertainment District, including, but not limited to, possible adoption of an ordinance requiring establishments as a matter of public safety to hire off-duty Scottsdale Police Department officers to provide security on their premises.

### **MOTION AND VOTE - ITEM 31B**

Councilman Littlefield made a motion to agendize a study session to determine what to do about security in the Entertainment District, including a way to require that bars use off-duty Scottsdale police officers for security. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

City Attorney Bruce Washburn clarified that the Public Safety Plan Ordinance, as drafted, does not require the use of off duty Scottsdale Police Officers. He believe an ordinance could be drafted that would require the use of Scottsdale Police Officers, but it would have to be a different ordinance that outlined the requirements of the Scottsdale Police Officers, specifically related to the harm that they are trying to prevent.

### **32. Principles of Civil Dialogue**

**Request:** Adopt **Resolution No. 9445** adopting the Principles of Civil Dialogue, which states "As a member of the Scottsdale community, I will genuinely listen; speak respectfully; and be accountable for my words and actions." This item was added to the agenda at the request of Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte and Phillips.

**Staff Contact:** Rachel Smetana, Management Assistant to Mayor, 480-312-7977, [rsmetana@scottsdaleaz.gov](mailto:rsmetana@scottsdaleaz.gov)

Cynthia Wenstrom, Scottsdale Leadership, gave a presentation on Scottsdale Leadership's Principles of Civil Dialogue.

### **MOTION - ITEM 32**

Councilmember Korte made a motion to adopt Resolution No. 9445 adopting the Principles of Civil Dialogue. Councilman Robbins seconded the motion.

### **ALTERNATE MOTION - ITEM 32**

Councilman Littlefield made an alternate motion to encourage everyone to be nice to one another and obey the Golden Rule. The motion died for lack of a second.

### **VOTE ON MOTION - ITEM 32**

The Council vote on the motion to adopt Resolution No. 9445 adopting the Principles of Civil Dialogue carried 6/1, with Councilman Littlefield dissenting.

(Item 31 was continued until after the Item 32; see Page 8.)

### **31. Council Rules of Procedure**

**Request:** Adopt **Resolution No. 9433** approving the amended Rules of Council Procedure.

**Presenter(s):** Bruce Washburn, City Attorney; Carolyn Jagger, City Clerk

**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405,  
[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov); Carolyn Jagger, City Clerk, 480-312-2411,  
[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

### **MOTION AND VOTE - ITEM 31**

Councilman Robbins made a motion to adopt Resolution No. 9433, adding to Exhibit A of the resolution Rule 10.2, which reads, "The Principals of Civil Dialogue, as adopted by the Council in Resolution No. 9445, shall serve as a guide for the conduct of City Council meetings," with the following sections to be renumbered accordingly. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

**PUBLIC COMMENT** – None

### **CITIZEN PETITIONS**

### **33. 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](mailto:cjagger@scottsdaleaz.gov)

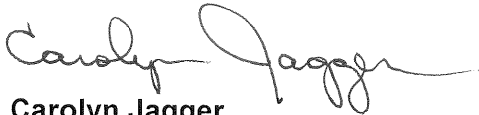
No citizen petitions were received.

**MAYOR AND COUNCIL ITEMS** – None

**ADJOURNMENT**

With no further business to discuss, the Regular Meeting adjourned at 7:10 P.M.

**SUBMITTED BY:**



**Carolyn Jagger**  
City Clerk

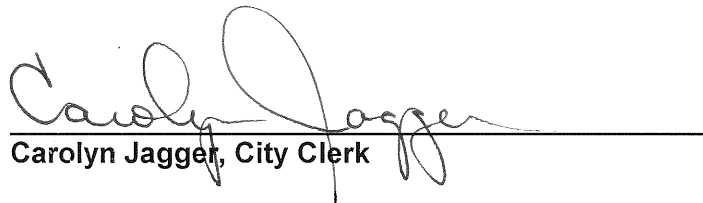
Officially approved by the City Council on August 19, 2013

### CERTIFICATE

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 1st day of July 2013.

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

**DATED** this 19th day of August 2013.

  
\_\_\_\_\_  
Carolyn Jagger, City Clerk

Item 24

Tourism Advisory Task Force

City Council Meeting  
July 1, 2013

Tourism Advisory Task Force

Resolution No. 9448

- Establishes the Tourism Advisory Task Force
- Appoints nine task force members and five alternates

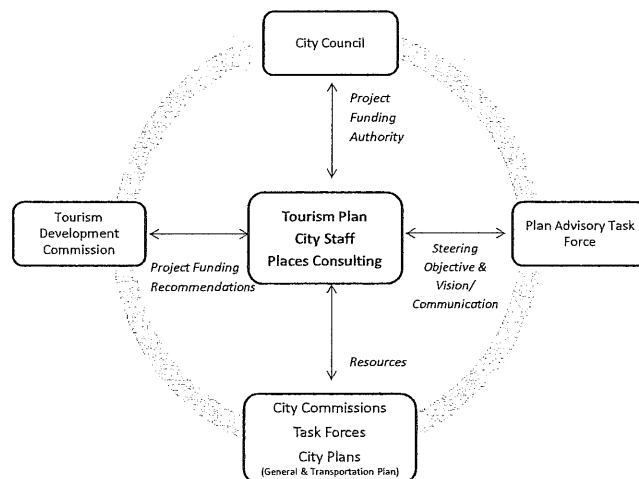
## Tourism Advisory Task Force

### Tourism Advisory Task Force:

- Custodians of the Plan’s vision and strategies
- Communicates with strategic leads and City Council
- Ensures plan is achieving objectives and milestones
- Provides communication structure

3

## Tourism Advisory Task Force



4

## Tourism Advisory Task Force

### Selection Panel Process:

– Focus was to ensure that the task force members provide cumulative expertise in the following areas:

- Tourism
- Business Development
- Art & Culture
- Next Generation
- Environmental or Civic Engagement

	Name	Organization-Title	Years of Experience-Experience					Scottsdale Stakeholder-Owner	Scottsdale Resident?
			Tourism Industry	Business Development	Arts & Culture	Next Generation	Environmental/Civically Engaged		
1	Pam Gilbert	Director of Sales-Fairmont Princess	32	26	32		26	Yes	No
2	Fred Unger	Spring Creek Development	25	35	20			Yes	No
3	Cory Baker	VP-SCC & Director of Performing Arts		13	17			Yes	No
4	Matthew Wright	GM-Landmark Aviation	7	13			2	Yes	Yes
5	Craig Jackson	CEO-Barrett-Jackson	30+	30+	30+		30+	Yes	No
6	Taryl O'Shea	Executive Director-Arabian Horse Association	20+	20+	16	Yes	17	Yes	No
7	Margaret Dunn	President & CEO-Dunn Transportation	27	27			27	Yes	Yes
8	John Holdsworth	President & CEO TLX Inc.	45	35			6	Yes	Yes
9	Gabrielle Enriquez	Event Program Manager				Yes	5	Yes	Yes
A	Kathy Duley	Coordinator-Grand Canyon Association	20		25		15	Yes	No
A	Susan Morrow Potje	Owner-Celebration of Fine Art	15+	15+	20			Yes	Yes
A	Richard Hayslip	Director Scottsdale Public Art			15+		25	Yes	Yes
A	Kate Birchler	Assistant VP-Macerich	13			Yes	6	Yes	Yes
A	Andrew Chippindall	GM-Hotel Valley Ho	20+		5+			Yes	No



## Tourism Advisory Task Force

### Option for Consideration

Select two Scottsdale residents from the list of five alternates thereby increasing the number of task force members from 9 to 11 and ensuring a Scottsdale resident majority serving on the task force.

7

## Tourism Advisory Task Force

### Actions to Consider:

Adopt Resolution No. 9448 establishing the Tourism Advisory Task Force and appoint nine members and five alternates of the task force.

Select two Scottsdale residents from the list of five alternates thereby increasing the number of task force members from 9 to 11 and ensuring a Scottsdale resident majority serving on the task force.

8

6.9 All ordinances, resolutions and contracts shall be signed by the City Attorney, or designee, prior to being submitted to the Clerk's Office for inclusion on the agenda. The signature of the City Attorney, or designee, shall indicate that in their opinion the document is proper as to form and legality.

15.9 The Mayor's Office shall prepare and submit to the Council a biennial update on the external memberships and committees that each Councilmember participates in or serves on in his or her official capacity. The update shall include the entity's mission and purpose, City representation and capacity, associated costs, the role of the participating Councilmember(s), and the City's position/policy for each of the external memberships or committees. The report shall be submitted at the same time as the biennial Council committee appointments referenced in Rule 15.1.

## **Public Safety Plan Ordinance**

Overview of Draft Ordinance

*Scottsdale City Council*

*July 1, 2013*

## **Public Safety Plan Ordinance**

- Background
  - Analysis & Goals
  - Timeline
- Overview of the Ordinance
- Questions

## Public Safety Plan Ordinance

### Analysis & Goals:

Scottsdale currently uses a Security, Maintenance & Operations Plans (SMO's).

- No mandatory resubmittal.
- No set ratio for security officers to patrons.
- No triggers for hiring of off-duty officers.
- No training requirements.
- Some establishments may not have an SMO plan.

3

## Public Safety Plan Ordinance

### Background:

- **January 27, 2013:** Tyrice Thompson, a civilian security officer at Martini Ranch was stabbed.
- **January 28, 2013:** Mayor Lane convened a meeting with city staff to discuss bar and nightclub safety.
  - *Staff included: Mayor's Office, City Attorney's Office, Scottsdale Police, Scottsdale Fire, Code Enforcement & Planning Department.*
- **February 11, 2013:** Mayor Lane conducted the first in a series of meetings with bar and nightclub owners to discuss his ideas for increased security.
- **February 12, 2013:** City staff began drafting the Public Safety Plan Ordinance.
- **May 16, 2013:** Mayor Lanes met with bar and restaurant owners and representatives from the Arizona Restaurant Association and the Arizona Licensed Beverage Association.
- **May 20, 2013:** Mayor hosted second meeting with bar at restaurant owners to discuss draft ordinance.

4

## Public Safety Plan Ordinance

### Draft Ordinance

#### **Sec. 23-52. Applicability.**

This article is applicable to businesses within the city that operate any location or facility classified as an Assembly Group A-2, A-3 or A-4 Occupancy pursuant to Chapter 36 of this code and engage in one or more of the following activities:

- a. Age verification is requested for admittance;*
- b. Provide live entertainment;*
- c. Provide a DJ;*
- d. Provide an adult service as defined in Section 16-237;*
- e. A teen dance center as defined in Section 16-391;*
- f. Or utilize a promoter.*

5

## Public Safety Plan Ordinance

### Draft Ordinance

#### **Sec. 23-54. Public safety plan required; non-transferable.**

- a. It shall be unlawful for any business required by this article to have a public safety plan to operate without a city approved public safety plan.
- b. A public safety plan required by this article is in addition to any other approval, license or permit required to engage in business by the city, county, state and federal governments, and shall be nontransferable, either person-to-person or location-to-location.

6

## Public Safety Plan Ordinance

### Draft Ordinance

#### **Sec. 23-55. Public safety plan submittal:**

Every business requiring a public safety plan shall furnish to, on forms provided and developed by, the Chief of Police the following information:

- a. *Plan of operation include crowd management plan and hours including a listing of peak hours;*
- b. *Site/building information;*
- c. *Copy of floor plan and city approved occupancy limit;*
- d. *Safety conditions;*
- e. *Patron parking, ingress and egress, vehicular and pedestrian traffic control, if applicable;*

7

## Public Safety Plan Ordinance

### Draft Ordinance:

#### **Sec. 23-55. Public safety plan submittal (continued)**

- f. *Listing of management personnel;*
- g. *Staffing including the number of security and operations personnel;*
- h. *Contact person and information designating who can receive complaints from the public and/or city on behalf of the business;*
- i. *Evacuation routes; and*
- j. *Any additional criteria required by the Chief of Police.*

8

## **Public Safety Plan Ordinance**

### **Draft Ordinance**

#### **Sec. 23-57. Special requirements**

No public safety plan shall be approved pursuant to this article that does not contain all of the following requirements:

- a. Staffing of at least one (1) security officer per fifty (50) patrons for the first 500 (500) patrons and at least one (1) additional security officer per seventy five (75) patrons thereafter during peak hours. In the alternative, for businesses where sixty percent or more of total gross sales are food sales and upon presentation of proof that is satisfactory to the Chief of Police substantiating such sales, the Chief of Police may authorize such a business to have staffing of at least one (1) security officer per seventy five (75) patrons during peak hours.

9

## **Public Safety Plan Ordinance**

### **Draft Ordinance**

#### **Sec. 23-57. Special requirements (continued):**

- b. That all security personnel attend training provided by the city or an entity designated by the city within sixty (60) days of hire that at a minimum covers liquor law compliance, general security training, crowd management and fire safety.*
- c. That all security personnel review and be familiar with the public safety plan for their employing business.*

10

## Public Safety Plan Ordinance

### Draft Ordinance

#### Sec. 23-57. Special requirements (continued):

- d. *That a business with two (2) or more public safety incidents within a one (1) week period or three (3) or more public safety incidents within a one (1) month period be required to retain the services of a minimum of two (2) off-duty peace officers to supplement existing security personnel during peak times for a minimum period of three (3) months or until at least three (3) consecutive months have gone by without two (2) or more public safety incidents, which ever period is longer. In the alternative based on the size and type of venue, occupancy and nature of the triggering public safety incident(s), the Chief of Police may reduce the requirement above for two (2) off-duty peace officers to one (1) off-duty peace officer.*

11

## Public Safety Plan Ordinance

### Draft Ordinance

#### Sec. 23-57. Special requirements (continued):

- e. *That a business with one (1) or more public safety incidents involving the use or threatened use of a deadly weapon or deadly instrument be required to retain the services of a minimum of two (2) off-duty peace officers to supplement existing security personnel during peak times for a minimum period of three (3) months or until at least three (3) consecutive months have gone by without any public safety incidents involve the use or threatened use of a deadly weapon or deadly instrument, which ever period is longer. In the alternative based on the size and type of venue, occupancy and nature of the triggering public safety incident(s), the Chief of Police may reduce the requirement above for two (2) off-duty peace officers to one (1) off-duty peace officer.*

12



## Public Safety Plan Ordinance

### Draft Ordinance

**Public Safety Incident** means an incident classified as a felony under state law consisting of a riot, a brawl or a disturbance, in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require the intervention of a peace officer to restore normal order, or an incident in which a weapon is brandished, displayed or used. Public Safety Incident does not include the use of nonlethal devices by a peace officer.

13

## Public Safety Plan Ordinance

### Draft Ordinance

#### **Sec. 23-57. Special requirements (continued):**

- f. That all security personnel wear an appropriately styled shirt or jacket with the word "Security" on both the front and back in two (2) inch lettering that is clearly visible. The Chief of Police may waive this requirement upon good cause, if the business is able to demonstrate to the Chief's satisfaction that this requirement can be met through alternative means such as the wearing of metal security badges, pins or embroidered patches.*

14

## **Public Safety Plan Ordinance**

### **Draft Ordinance:**

#### **Sec. 23-58. Duration and renewal**

- a. A public safety plan approved by the Chief of Police shall be valid for a period of two (2) years.*

15

## **Public Safety Plan Ordinance**

### **Draft Ordinance:**

#### **Sec. 23-60. Information update.**

*All businesses required to have a public safety plan shall give written notice to the Chief of Police of any material changes in information submitted in connection with a submittal or approved public safety plan. This information shall be provided to the Chief of Police within thirty (30) days of any such change.*

16

## Public Safety Plan Ordinance

### Draft Ordinance:

#### ENFORCEMENT

##### Sec. 23-61. Revocation; grounds.

- a. *Failure to comply with the terms and conditions of an approved public safety plan on two (2) or more occasions within a one (1) year period constitute grounds for the revocation of a public safety plan approved pursuant to this article.*
- b. *The Chief of Police shall be responsible for initiating revocation proceedings. Any such proceedings shall follow the provisions for revocation found in Chapter 16, Article I.*

17

## Public Safety Plan Ordinance

### Draft Ordinance:

#### ENFORCEMENT

##### Sec. 23-65. Onsite records required; inspections.

- a. Each business required to have an approved public safety plan shall maintain onsite a current copy of the plan, proof that all security personnel have completed the training required by this article and proof that all security personnel have reviewed the public safety plan. These records shall be made available for inspection and review upon the request of the Chief of Police or designee, the City Manager or designee or the Fire Chief or designee whenever occupied.
- b. The premises of a business required to have a security and safety plan shall be open to inspection to verify compliance with an approved plan whenever occupied by the Chief of Police or designee, the City Manager or designee or the Fire Chief or designee.

18

## Public Safety Plan Ordinance

### Draft Ordinance:

#### ENFORCEMENT

#### Sec. 23-67. Penalties

- a. *A first violation of this article is a civil offense and shall be punished by a fine of not less than five hundred dollars (\$500.00) per violation.*
- b. *A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.*
- c. *The court shall not suspend any part of any fine required by this section.*

19

## Public Safety Plan Ordinance

### Draft Ordinance:

#### Sec. 23-69. Conflicting provisions conditional use permits.

*Where a provision of a public safety plan approved pursuant to this article is in conflict with a provision of a security, maintenance and operations plan included as a stipulation of a conditional use permit, the provision which establishes the higher standard for the protection of the public health and safety shall prevail.*

20

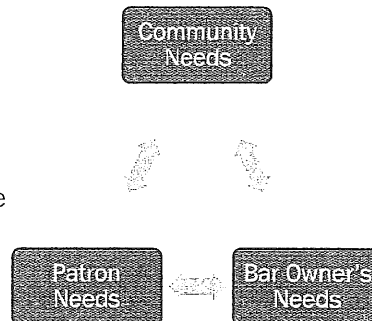
# Public Safety Plan Ordinance

## Training

21

## Security Officer Training (SPD)

- **Background:** Alcohol consumption contributes to poor decision-making and increases the likelihood of violence in and around bar and club environments.
- **Objective**
  - Reduce Violence
  - Collaborate with Businesses
  - Encourage and Promote Compliance
  - Develop Positive Working Relationships



## **Security Officer Training (SPD)**

- 3-Hour Course Material Provided by SPD and SFD
- SPD Portion Covers:
  - Legal Issues (Responsibilities Under Law)
  - Liquor Law (Knowledge Increases Bars' Compliance)
  - Customer Service Perspective (Raises the Bar and Creates Expectations of Quality)

## **Security Officer Training (SFD)**

### **Public Safety for Scottsdale Assembly Occupancies**

A Training and Crowd Management Program  
for Owners, Managers and Security  
Personnel

## Security Officer Training (SFD)

### Objectives

The core components of this training was obtained from a certified class that was developed and delivered by the National Association of State Fire Marshal's (NASFM), with local experiences and modifications added.

Upon completion, each participant will have obtained the knowledge, skills and abilities to create a safe environment for occupants of their facility.

25

## Security Officer Training (SFD)

### Why Is This Training Important?

- To identify common issues and improve the safety levels of COS occupancies for the patrons and staff by:
  - Reducing the chance of an emergency incident.
  - Minimizing the impact of an incident should it occur.
  - Safe and effective handling of an emergency when it occurs.
- Training will also cover:
  - Common Industry and City Fire Code Definitions.
  - Typical Fire Code Violations for Night and Target Inspections.
  - Review of National & Local - Historical Incidents & Outcomes.
  - Club Responsibilities and Potential Impacts.
  - Overview of typical fire protection devices & systems

26

# Public Safety Plan Ordinance

## Next Steps

### Public Outreach:

July 16, 10:00am

Scottsdale Human Resources, Pinnacle Training Room

7575 E. Main Street

Scottsdale, AZ 85251

July 24, 10:00am

Scottsdale District 3 Police Station, Community Room

9065 E. Via Linda

Scottsdale, AZ 85258

The public can also provide feedback on the drafted ordinance at:

[www.ScottsdaleAZ.gov/codes/publicsafetyplan](http://www.ScottsdaleAZ.gov/codes/publicsafetyplan).

27

# Public Safety Plan Ordinance

## Questions?

### Staff Contacts:

J.P. Twist, Office of the Mayor

480-312-7806

Luis Santaella, City Attorney's Office

480-312-7771

28