

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
MONDAY, AUGUST 18, 2014**



**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 5:04 P.M. on Monday, August 18, 2014 in the City Hall Kiva.

**ROLL CALL**

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

Also Present: Acting City Manager Brian Biesemeyer  
City Attorney Bruce Washburn  
City Treasurer Jeff Nichols  
City Auditor Sharron Walker  
City Clerk Carolyn Jagger

Mayor Lane announced that City Manager Fritz Behring is on medical leave and hopes to return by the end of September. Brian Biesemeyer will serve as Acting City Manager during Mr. Behring's absence.

Mayor Lane explained that approximately one year ago the Council passed a resolution adopting the principles of civil dialogue. He encouraged those engaged in the discussion of public issues to adhere to these principles. He also noted the City's speaker cards now include the statement: "As a member of the Scottsdale community, I will genuinely listen; speak respectfully; and be accountable for my words and actions."

**PLEDGE OF ALLEGIANCE** – State Champion All Stars from Scottsdale Cal Ripken Little League; Coaches Evan Terry, Doug Saunders, and Jeff Trillo

**INVOCATION** – Debbie DiCarlo, Catholic Charities

**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.

## **MAYOR'S REPORT**

Mayor Lane recalled that last November he signed a Baseball Exchange Proclamation with Tainan City, the baseball capital of Taiwan. He welcomed Tainan City's Little League team and their coaches, who will be training and touring Scottsdale's finest facilities during their visit. This past week the team played with five Scottsdale Little League teams (Cal Ripken, McCormick Ranch, Mountain View, Arcadia, and Nokona). Mayor Lane thanked the community for their support and gave special thanks to Tom Silverman and Chaparral Suites; the Scottsdale Charros; Rose Law Firm; Frank Johnson, owner of Chick-Fil-A restaurant on Shea and 90<sup>th</sup> Street; Scottsdale Business Development Forum; Scottsdale Police and Fire; and the City's Parks and Recreation Department. Tonight, the team is headed to Scottsdale Stadium to watch the Reds and Giants farm teams.

## **PRESENTATION/INFORMATION UPDATES – None**

## **PUBLIC COMMENT**

Angela Ashley submitted a citizen's petition (attached) asking the Council to enact a zoning ordinance that will define "sober homes" and adopt reasonable regulations to mitigate the impact of sober home on residential neighborhoods.

## **MINUTES**

**Request:** Approve the Work Study Session Minutes of June 10, 2014; Special Meeting Minutes of June 17, 2014, July 1, 2014, and July 2, 2014; Regular Meeting Minutes of June 17, 2014, July 1, 2014, and July 2, 2014; and Executive Session Minutes of June 3, July 1, and July 2, 2014.

## **MOTION AND VOTE – MINUTES**

Councilman Robbins made a motion to approve the Work Study Session Minutes of June 10, 2014; Special Meeting Minutes of June 17, 2014, July 1, 2014, and July 2, 2014; Regular Meeting Minutes of June 17, 2014, July 1, 2014, and July 2, 2014; and Executive Session Minutes of June 3, 2014, July 1, 2014, and July 2, 2014. Councilwoman Milhaven seconded the motion, which carried 7/0.

## **CONSENT AGENDA**

### **1. XGolf Scottsdale Liquor License (48-LL-2014)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 7 (beer and wine bar) State liquor license for a new location and owner.

**Location:** 8480 E. Butherus Drive, Suite 102

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

**2. TYC (aka Vice Virtue) Conditional Use Permit (4-UP-2014)**

**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 9835** approving a Conditional Use Permit for a bar in Building A, on an 8,524± square-foot site with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO) zoning.

**Location:** 7301 E. Indian Plaza, Building A

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

**3. TYC (aka Vice Virtue) Liquor License (55-LL-2014)**

**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 6 (bar) State liquor license for a new location and owner.

**Location:** 7301 E. Indian Plaza

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

**4. The Standard Liquor License (57-LL-2014)**

**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:** 10050 N. Scottsdale Road, Suite 127

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

**5. Peter Piper Pizza Liquor License (58-LL-2014)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and Acquisition of Control Change for an existing Series 7 (beer and wine bar) State liquor license.

**Location:** 7607 E. McDowell Road, Suite 101

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

**6. Tuscany at McCormick Ranch Liquor License (60-LL-2014)**

**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:** 9000 E. San Victor Drive

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

**7. Scottsdale Beer Company Liquor License (61-LL-2014)**

**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:** 8608 E. Shea Boulevard

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

- 8. Scottsdale Beer Company Liquor License (62-LL-2014)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 3 (microbrewery) State liquor license for an existing location with a new owner.  
**Location:** 8608 E. Shea Boulevard  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 9. Sakura Grill Supreme Buffet Liquor License (63-LL-2014)**  
**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:** 7101 E. McDowell Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 10. LoLo's Chicken and Waffles Liquor License (64-LL-2014)**  
**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:** 3133 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 11. Zona Hotel and Suites Liquor License (65-LL-2014)**  
**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:** 7677 E. Princess Boulevard  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 12. Fired Pie Liquor License (67-LL-2014)**  
**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:** 15425 N. Scottsdale Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 13. Livewire Liquor License (68-LL-2014)**  
**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 6 (bar) State liquor license for an existing location with a new owner.  
**Location:** 7320 E. Indian Plaza  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**14. Hotel Valley Ho Liquor License (69-LL-2014)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and Acquisition of Control Change for an existing Series 11 (hotel) State liquor license.

**Location:** 6850 E. Main Street

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

**15. Twisted Lizard Tavern and Grille Liquor License (70-LL-2014)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an Acquisition of Control Change for an existing Series 12 (restaurant) State liquor license.

**Location:** 10401 E. McDowell Mountain Road, Suite A1

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

**16. Permanent Extension of Premises for Lawrence Dunham Vineyards (11-EX-2014)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 19 (tasting room) State liquor license.

**Location:** 6951 E. 1st Street

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

**17. T-Mobile Tower Papago Butte Substation Conditional Use Permit (11-UP-2007#2)**

**Request:** Find that the conditional use permit criteria have been met and adopt

**Resolution No. 9833** approving a renewal of a Conditional Use Permit for an existing wireless communications antenna on an existing 125-foot lattice tower with Multiple Family Residential (R-5) zoning.

**Location:** 6410 E. Thomas Road

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

**18. Laugh Factory Comedy Club Conditional Use Permits (5-UP-2014 and 6-UP-2014)**

**Requests:**

1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 9836** approving a Conditional Use Permit for a bar in an existing 9,787± square-foot establishment with Central Business, Parking District (C-2/P-4) zoning for Case No. 5-UP-2014.

2. Find that the conditional use permit criteria have been met and adopt **Resolution No. 9837** approving a Conditional Use Permit for live entertainment in an existing 9,787± square-foot establishment with Central Business, Parking District (C-2/P-4) zoning for Case No. 6-UP-2014.

**Location:** 7000 E. Shea Boulevard, Suite H-1990

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

- 19. On-Call Sewer Collection System Rehabilitation Engineering Services Contract**  
**Request:** Adopt **Resolution No. 9766** authorizing On-Call Sewer Collection System Rehabilitation Engineering and Design Services Contract No. 2014-056-COS with Dibble Engineering in an amount not to exceed \$1,000,000 for design of various sewer collection system rehabilitation projects.  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 20. IT Network Infrastructure**  
**Request:** Adopt **Resolution No. 9851** authorizing the City's Chief Information Officer, with the approval of the City Manager, to take such actions as are reasonably necessary, including executing such documents as may be necessary thereto, to advance the security and integrity of the City's computing networks.  
**Staff Contact(s):** Brad Hartig, Information Technology Chief Information Officer, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov)
- 21. Charles Schwab Cup Championship Event**  
**Request:** Adopt **Resolution No. 9649** to authorize:
1. Funding, not to exceed \$75,000, from the City portion of bed tax allocated toward event development for the 2014 Charles Schwab Cup Championship event.
  2. New Event Funding Agreement No. 2014-021-COS with the PGA Tour, Inc.
- Staff Contact(s):** Paul Katsenes, Tourism and Events Development Director, 480-312-2890, [pkatsenes@scottsdaleaz.gov](mailto:pkatsenes@scottsdaleaz.gov)
- 22. Proposition 202 Grant Funds**  
**Request:** Adopt **Resolution No. 9830** to authorize:
1. The City to accept \$59,400 in Proposition 202 Tribal Gaming Funds from the Gila River Indian Community to fund services and programs benefitting the general public as follows:
    - a. \$14,700 to be used by the City's Community Services Division for trail erosion control.
    - b. \$44,700 to be used by P.O.P.C.I.C.L.E., DBA Feeding Matters, to translate its infant and child feeding questionnaire, with the first payment to be received in 2014 in the amount of \$23,700, and the second payment to be received in 2015 in the amount of \$21,000.
  2. A budget transfer in the amount of \$38,400 from the adopted FY 2014/15 Future Grants Budget and/or Grant Contingency Budget; the creation of new cost centers to record all of the grant activity; and the disbursement of funds.
- Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)
- 23. Palomino Library Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 9865** authorizing Intergovernmental Agreement No. 2012-101-COS-A1, the first amendment to an intergovernmental agreement with Scottsdale Unified School District, for the creation of the Online Learning Lab at Palomino Library at Desert Mountain High School.  
**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)

**24. City Auditor's Fiscal Year 2014/15 Audit Plan**

**Request:** Approve the City Auditor's FY 2014/15 Audit Plan, as recommended by the Council's Audit Committee at its June 30, 2014 meeting.

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

**25. Buzzeo v. City of Scottsdale Settlement**

**Request:** Adopt **Resolution No. 9831** authorizing settlement in the amount of \$150,000 of Lisa Buzzeo's negligence lawsuit against the City entitled *Buzzeo v. City of Scottsdale*, Case No. CV2013-012383 currently pending in the Maricopa County Superior Court.

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

**26. Preserve Jeep Tour Permits and Bed Tax Funding**

**Request:** Adopt **Resolution No. 9854** authorizing Collection Agreement No. 2014-122-COS with the USDA, Forest Service, Tonto National Forest.

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

**MOTION AND VOTE – CONSENT AGENDA**

Councilmember Korte made a motion to approve Items 1 through 26. Vice Mayor Phillips seconded the motion, which carried 7/0.

**REGULAR AGENDA**

**27. Permanent Extension of Premises for Sushi Brokers (9-EX-2014)**

**Request:** Consider forwarding a recommendation of denial to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 12 (restaurant) State liquor license.

**Location:** 17025 N. Scottsdale Road

**Presenter(s):** Randy Grant, Planning and Development Services Director

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

Item 27 was removed at the request of the applicant.

**PUBLIC COMMENT – None**

**CITIZEN PETITIONS**

**28. 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)

**MOTION AND VOTE – ITEM 28**

Councilman Littlefield made a motion to direct the City Manager to investigate the petition submitted by Angela Ashley asking the Council to enact a zoning ordinance to define “sober homes” and adopt reasonable regulations to mitigate the impact of sober homes on residential neighborhoods, and prepare a written response to the Council, with a copy to the petitioner. Councilman Robbins seconded the motion, which carried 7/0.

**MAYOR AND COUNCIL ITEMS – None**

**ADJOURNMENT**

With no further business to discuss, the Regular Meeting adjourned at 5:29 P.M.

**SUBMITTED BY:**



**Carolyn Jagger  
City Clerk**

Officially approved by the City Council on September 9, 2014




**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 18<sup>th</sup> day of August 2014.

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

**DATED** this 9<sup>th</sup> day of September 2014.

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

**change.org**

Recipient: Scottsdale City Council

Letter: Greetings,

As citizens and residents of Scottsdale, we are concerned about maintaining the residential character of our community while providing the ability for persons with disabilities to live in our neighborhoods in a manner that is compatible and safe for all. We have become aware of a type of residential use that is unregulated by the City and the State that may present challenges related to traffic, parking and safety. We are petitioning the City Council to address the situation by enacting zoning regulations for "sober homes." The City of Scottsdale Zoning Code currently lacks a definition of a sober house and does not regulate its use.

Sober homes are residences where persons recovering from chemical dependency of drug and alcohol abuse reside, remaining for several months to transition from rehabilitation programs. They are considered to be "persons with a disability" under the federal and state fair housing laws. We believe it is possible and desirable for the future of Scottsdale that the City provide reasonable regulations to mitigate impacts to residents and residential neighborhoods without unreasonably restricting the rights of persons with disabilities. As the occurrence of these homes increases, we believe it is timely for the City Council to direct staff to initiate an amendment to the City zoning code and are hereby petitioning the Council to do so.

Angela Ashley 8/18/14  
ANGELA Ashley  
7711 E. CHARTER OAK  
SCOTTSDALE AZ 85260  
480 922-5760  
AASHLEY@IX.NETCOM.COM

Note from the City Clerk:

This petition includes 171 petition signatures that are available to view in the City Clerk's Office.