

SCOTTSDALE

CITY COUNCIL MEETING



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

**[AMENDED ITEM NO. 21 TO ADD A REQUEST TO CONTINUE TO OCTOBER 22, 2013;
AND REMOVED ITEM NO. 17]**

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, September 24, 2013

Unless an exception is made, or unless otherwise noted:

Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment). The Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (October 8, 2013).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:04 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 – Scottsdale Mayor's Youth Council

Invocation – Mayor Lane requested a moment of silence in honor of the victims of the recent shooting tragedy in Kenya.

Mayor's Report

– Mayor Lane thanked Vice Mayor Klapp for her service as Vice Mayor and announced that Councilmember Korte will assume those responsibilities on October 1, 2013.

– Mayor Lane presented Google's 2013 eCity Award to City Manager Fritz Behring. The award recognizes Scottsdale as the strongest online business community in the state.

– Mayor Lane congratulated three Scottsdale Crescordia Award and Award of Merit recipients. The awards were presented at the recent Arizona Forward Association's 33rd Annual Environmental Excellence Awards ceremony. One of the Crescordia awards recognized Fucello Architects, along with the City and Redden Construction, for the Tom's Thumb Trailhead. The second Crescordia



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).

Award recognized Scottsdale Public Arts for “Nodal Water Garden” by Arizona artist Jeff Zischke. The temporary floating, solar-powered artwork was located in the canal between the Soleri and the Marshall Way bridges in Downtown Scottsdale last November for one of Scottsdale Public Art’s annual Canal Convergence events. The City also received an Award of Merit for the Via Dona Trail.

City Manager’s Report – None

Presentations/Information Updates – None

Public Comment – William Teske asked the Council to preserve the Scottsdale High School plaque and memorial stone marker, which are located at Scottsdale Garden Hilton Inn, where the High School was located. He asked the Council to make both items permanent City assets. Susan Wheeler spoke in support of Scottsdale’s slogan as the West’s Most Western Town. Lois Fitch spoke of Scottsdale’s heritage and legacy as the West’s Most Western Town.

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 comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

CONSENT AGENDA ITEMS 1-18

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 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 Items 1 through 18, absent Items 2 and 12, which were moved to the Regular Agenda, and Item 17, which was removed from the agenda by staff. Councilwoman Milhaven seconded the motion, which carried 7/0.

- [IL Capo Pizzeria Liquor License \(70-LL-2013\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new location and owner.
Location: 7366 E. Shea Boulevard, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Rim to Rim Wines Liquor License \(71-LL-2013\)](#) – Continued to October 8, 2013 at the request of the applicant.**
Request: Consider forwarding a recommendation of **No Recommendation** to the Arizona Department of Liquor and Control for a series 4 (wholesale) State liquor license for a new location and owner.
Location: 8602 E. Joshua Tree Lane
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [X-Tapa Joe’s Liquor License \(72-LL-2013\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation 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: 7500 E. Pinnacle Peak Road, Suite J125
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **Hula's Modern Tiki Liquor License (73-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation 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: 7213 E. 1st Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Friendly Market Liquor License (74-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) State liquor license for an existing location with a new owner.
Location: 431 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Ricky's Authentic Mexican Food Liquor License (75-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new location and owner.
Location: 7323 E. Shoeman Lane
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Lolo's Chicken and Waffles Rezoning (12-ZN-2013) – Approved on Consent.**
Request: Adopt **Ordinance No. 4110** approving a Zoning District Map Amendment from Highway Commercial Downtown Overlay (C-3 DO) to Highway Commercial Downtown Overlay (C-3 DO) with Amended Development Standards to amend the street setback from 30 feet to 20 feet; finding that the amended development standards conform to the Downtown Plan and Downtown Plan Urban Design and Architectural Guidelines; and finding that the Zoning District Map Amendment for the Amended Development Standard is consistent and conforms with the adopted General Plan on a 19,677± gross square-foot parcel.
Location: 3133 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Community Assistance Office Lease Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9530** authorizing Contract No. 2013-148-COS with Carolyn A. Stout to lease an office building for the City's Community Assistance Office.
Location: 7515 E. First Street
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
9. **Preserve Acquisition Strategy and Direction for 2014 State Trust Land Acquisition – Approved on Consent.**
Request: Authorize staff to proceed with filing appropriate applications with the Arizona State Land Department to begin the process of acquiring two parcels of State Trust Land as recommended by the McDowell Sonoran Preserve Commission. Parcel 1 is approximately 290 acres; and Parcel 1A is approximately 238 acres.
Staff Contact(s): Kroy Ekblaw, Strategic Projects/Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov
10. **Drug, Alcohol, and Violence Prevention Services Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9480** authorizing Intergovernmental Agreement No. 2013-128-COS with Scottsdale Unified School District No. 48 to provide funding in the amount of \$238,000 for drug, alcohol, and violence prevention education and other student support services in Scottsdale schools for FY 2013/14.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov

11. **Federal Transit Administration Grant Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9508** authorizing Intergovernmental Agreement No. 2013-138-COS with the City of Phoenix to accept pass-through Federal Transit Administration AZ-95-X015 grant funds in the amount of \$3,886,802, minus local match of \$221,548, to be used for replacing City-owned transit vehicles; and assigning the grant to Valley Metro Regional Public Transportation Authority for vehicle purchase.
Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

12. **Proposition 202 Funds Acceptance Intergovernmental Agreement**
– Councilmember Korte declared a conflict of interest and left the dais.
– Councilwoman Milhaven made a motion to adopt Resolution No. 9497. Councilman Robbins seconded the motion, which carried 6/0, with Councilmember Korte declaring a conflict of interest.
– Councilmember Korte returned to the dais.
Request: Adopt **Resolution No. 9497** to authorize:
 1. Intergovernmental Agreement No. 2013-135-COS with the Salt River Pima-Maricopa Indian Community to accept \$1,370,000 in Proposition 202 Tribal Gaming funds.
 2. Budget transfer in the amount of \$1,370,000 from the adopted FY 2013/14 Grant Contingency and/or the Future Grants Budget to the center assigned to record all the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

13. **Proposition 202 Funds Acceptance Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9531** to authorize:
 1. Intergovernmental Agreement No. 2013-149-COS with the Fort McDowell Yavapai Nation to accept \$120,000 in Proposition 202 Tribal Gaming funds.
 2. Budget transfer in the amount of \$120,000 from the adopted FY 2013/14 Grant Contingency and/or the Future Grants Budget to the center assigned to record all the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

14. **Event Support Funding Program Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9484** authorizing Event Support Funding Program Agreement No. 2013-132-COS with Competitor Group, Inc. for the PF Chang's Rock and Roll Marathon and Half Marathon and the Women's Running Scottsdale Half Marathon and 5K event using up to \$90,000 from the City portion of bed tax that the City Council has previously budgeted toward events and event development.
Staff Contact(s): Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov

15. **Audit Committee Recommendation for Human Services Advisory Commission Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 9520** accepting the Audit Committee's recommendation and authorizing continuation of the Scottsdale Human Services Advisory Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

16. **Audit Committee Recommendation for Judicial Appointments Advisory Board Sunset Review – Approved on Consent.**
Request: Adopt **Resolution No. 9521** accepting the Audit Committee's recommendation and authorizing continuation of the Judicial Appointments Advisory Board.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

- ***17. **Water, Sewers, and Sewage Disposal Code Amendment – Removed from the agenda at the request of staff.**

(Item No. 17 was removed from the agenda at the request of staff and will be brought back at a later date.)

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

Request: Accept the FY 2013/14 Monthly Financial Report as of July 2013.

Staff Contact(s): Lee Guillory, Acting City Treasurer, 480-312-7084, lguillory@scottsdaleaz.gov

REGULAR AGENDA ITEMS 19-22

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time *may* be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

Public Comment Note: Item Nos. 19 and 20 will be presented together. Speakers will be given one opportunity to address the Council on one or both items.

19. **Kelly's at Southbridge Liquor License (44-LL-2013) – Councilman Robbins made a motion to approve Item 19 (44-LL-2013). Councilwoman Milhaven seconded the motion, which carried 7/0.**

Request: Consider forwarding a recommendation 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 with an existing owner.

Location: 7117 E. 6th Avenue

Presenter(s): Greg Bloemberg, Planner

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

20. **Kelly's at Southbridge Conditional Use Permit and In-Lieu Parking Credits (7-UP-2013 and 1-IP-2013) – Councilman Robbins made a motion to: (1) Adopt Resolution No. 9495, adding a stipulation that staff shall conduct an annual review of the CUP stipulations and provide the results of that review to City Council; and (2) adopt Resolution No. 9489. Councilwoman Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilman Phillips dissenting.**

Requests:

1. Adopt **Resolution No. 9495** approving a Conditional Use Permit for a bar use in an existing 5,683± square-foot establishment with Downtown, Retail Specialty, Type 1, Downtown Overlay (D/RS-1 DO) zoning, and finding that the conditional use permit criteria have been met for Case No. 7-UP-2013.
2. Adopt **Resolution No. 9489** approving a request for 27 In-Lieu Parking Credits for Case No. 1-IP-2013.

Location: 7117 E. 6th Avenue

Presenter(s): Greg Bloemberg, Planner

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

*****21. [Scottsdale Mountain Villas Rezoning \(3-ZN-2013\)](#) – Councilmember Korte made a motion to continue Item 21 to October 22. Councilwoman Milhaven seconded the motion, which carried 7/0.**

Requests:

1. At the request of the applicant, continue to October 22, 2013.
2. If the continuance is not granted: 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 approximately 5± acres.

Location: South side of E. Coyote Road, west of N. 135th Place

Presenter(s): Keith Niederer, Senior Planner

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

Public Comment Note: No public comment will be taken on Item No. 21 until after the vote to continue has been taken and only if the continuance is denied.

22. [Monthly Financial Update](#) – Accounting Director Joyce Gilbride presentation

Request: Receive, discuss, and provide possible direction on the City Treasurer’s monthly financial presentation as of August 2013.

Presenter(s): Joyce Gilbride, Accounting Director

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

Public Comment – None

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CITIZEN PETITIONS

ITEM 23

Citizen Petitions: This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

23. Receipt of Citizen Petitions – None

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to 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 – 6:14 P.M.