

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Linda Milhaven
Guy Phillips
Dennis E. Robbins

Monday, August 18, 2014

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 (August 25, 2014).

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).

Mayor Lane announced that City Manager Fritz Behring is out 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 announced 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 principle.

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



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).

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 as they train and tour 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 the Chick-Fil-A restaurant on Shea and 90th 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, which is a free event open to the public.

Presentations/Information Updates – None

Public Comment – Angela Ashley submitted a citizen's petition asking the Council to enact a zoning ordinance, which defines "sober homes" and adopts reasonable regulations to mitigate the impact of sober homes on residential neighborhoods.

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."**

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.

– 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 ITEMS 1-26

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 Items 1 through 26. Vice Mayor Phillips seconded the motion, which carried 7/0.

1. [XGolf Scottsdale Liquor License \(48-LL-2014\)](#) – **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 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

2. **[TYC \(aka Vice Virtue\) Conditional Use Permit \(4-UP-2014\) – Approved on Consent.](#)**
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
3. **[TYC \(aka Vice Virtue\) Liquor License \(55-LL-2014\) – 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 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
4. **[The Standard Liquor License \(57-LL-2014\) – 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: 10050 N. Scottsdale Road, Suite 127
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **[Peter Piper Pizza Liquor License \(58-LL-2014\) – Approved on Consent.](#)**
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
6. **[Tuscany at McCormick Ranch Liquor License \(60-LL-2014\) – 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: 9000 E. San Victor Drive
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **[Scottsdale Beer Company Liquor License \(61-LL-2014\) – 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: 8608 E. Shea Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **[Scottsdale Beer Company Liquor License \(62-LL-2014\) – Approved on Consent.](#)**
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

9. **[Sakura Grill Supreme Buffet Liquor License \(63-LL-2014\)](#) – 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: 7101 E. McDowell Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **[LoLo's Chicken and Waffles Liquor License \(64-LL-2014\)](#) – 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: 3133 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
11. **[Zona Hotel and Suites Liquor License \(65-LL-2014\)](#) – 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: 7677 E. Princess Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
12. **[Fired Pie Liquor License \(67-LL-2014\)](#) – 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: 15425 N. Scottsdale Road, Suite 100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
13. **[Livewire Liquor License \(68-LL-2014\)](#) – 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 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
14. **[Hotel Valley Ho Liquor License \(69-LL-2014\)](#) – Approved on Consent.**
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
15. **[Twisted Lizard Tavern and Grille Liquor License \(70-LL-2014\)](#) – Approved on Consent.**
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
16. **[Permanent Extension of Premises for Lawrence Dunham Vineyards \(11-EX-2014\)](#) – Approved on Consent.**
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

17. **T-Mobile Tower Papago Butte Substation Conditional Use Permit (11-UP-2007#2) – Approved on Consent.**
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
18. **Laugh Factory Comedy Club Conditional Use Permits (5-UP-2014 and 6-UP-2014) – Approved on Consent.**
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
19. **On-Call Sewer Collection System Rehabilitation Engineering Services Contract – Approved on Consent.**
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
20. **IT Network Infrastructure – Approved on Consent.**
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
21. **Charles Schwab Cup Championship Event – Approved on Consent.**
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
22. **Proposition 202 Grant Funds – Approved on Consent.**
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

23. **Palomino Library Intergovernmental Agreement – Approved on Consent.**

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

24. **City Auditor's Fiscal Year 2014/15 Audit Plan – Approved on Consent.**

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

25. **Buzzeo v. City of Scottsdale Settlement – Approved on Consent.**

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

26. **Preserve Jeep Tour Permits and Bed Tax Funding – Approved on Consent.**

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

REGULAR AGENDA **ITEM 27**

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.**

27. **Permanent Extension of Premises for Sushi Brokers (9-EX-2014) – Item 27 was removed at the request of the applicant.**

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

Public Comment – None

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CITIZEN PETITIONS

ITEM 28

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.

28. **Receipt of Citizen Petitions – 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, which defines “sober homes” and adopts 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.**

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 – 5:29 P.M.