

SCOTTSDALE

CITY COUNCIL MEETING



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

**[AMENDED ITEM No. 17 TO ADD A REQUEST TO CONTINUE TO MARCH 5, 2013 AND
ADDED ITEM No. 14A]**

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, February 5, 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 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 (February 26, 2013).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:01 P.M.

Roll Call – All present

One or more members of the City 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 – Brownie Troop 383, Troop Leader Christy Johnson

Invocation – Mayor Lane called for a moment of silence to honor those who have been victims of acts of violence.

Mayor's Report – Mayor Lane announced that, for the third straight year, the City received a Certificate of Excellence in Citizen-Centric Reporting from the Association of Government Accountants. The award was given for the City's annual "Report to Our Citizens." Scottsdale is one of only three cities in the country to have earned this award three times.

City Manager's Report – Budget Director Judy McIlroy reported that the City's budget document earned notable recognition from the Government Finance Officers Association. The City's FY 2012/13 Budget Book earned the "Distinguished Budget Presentation Award" for the 23rd consecutive year. The City's 2012/13 Budget Book also received special distinctions as an "Outstanding Policy Document" and an "Outstanding Communications Device" and received special recognition for performance measures.



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).

– City Treasurer David Smith reported that in August 2001 the Arizona Department of Revenue ruled that consumption of water for governmental activities, such as irrigation of parks and median landscaping, does not constitute water sales; therefore, is not subject to state sales tax. Accounting Director Joyce Gilbride discontinued remittance of sales tax to the State and requested a refund of past taxes paid. The request has been granted and will result in a \$554,000 refund to the City.

Presentations/Information Updates – None

Public Comment – Sonnie Kirtley commented on the lack of publicity for the Parada del Sol, which is Scottsdale’s signature event. Tim Rodgers, Director of the Scottsdale Museum of Contemporary Art (SMOCA), extended an invitation to the Council and the public to attend SMOCA’s Spring 2013 Opening Celebration on February 8. Mr. Rodgers also reported on a \$100,000 grant that was recently awarded to SMOCA. Nancy Cantor commented on Scottsdale neighborhoods and encouraged the Council to provide feedback to the Neighborhood Advisory Commission on its goals and work plan. Chris Schaffner congratulated the newly-elected Councilmembers and suggested that the Council form a Public Safety Task Force.

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk before or during the meeting. 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” time.**

ADDED ITEMS

Added Items: Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

A1. Added Items

The supporting materials for Item No. 15 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda. – **Councilwoman Milhaven moved to approve the agenda as presented. Councilman Robbins seconded the motion, which carried 7/0.**

Request: Vote to accept the agenda as presented or to continue the added item(s) to the February 26, 2013 Council meeting.

MINUTES

Request: Approve the [Regular Meeting Minutes of January 8, 2013](#).

– **Councilman Robbins moved to approve the Regular Meeting Minutes of January 8, 2013. Councilwoman Milhaven seconded the motion, which carried 7/0.**

CONSENT AGENDA ITEMS 1-16

How the Consent Agenda Works: The Council may take one vote to act on all 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.

– Councilman Robbins moved to approve Consent Agenda Items 1 through 16. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. **[Pearl Sushi Lounge and Bomber Bar Liquor License \(128-LL-2012\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a previously licensed location with a new owner.
Location: 4252 N. Drinkwater Boulevard, Suites A and B
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **[Cold Beers and Cheeseburgers Liquor License \(131-LL-2012\)](#) – Approved on Consent.**
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: 4222 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **[Sip Coffee and Brew House Liquor License \(132-LL-2012\)](#) – Approved on Consent.**
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: 3617 N. Goldwater Blvd.
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **[Applebee's Neighborhood Grill and Bar Liquor License \(133-LL-2012\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) liquor license.
Location: 10460 N. 90th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **[Pub Rock Liquor License \(134-LL-2012\)](#) – Approved on Consent.**
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: 8005 E. Roosevelt
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **[AMF Scottsdale Lanes Liquor License \(1-LL-2013\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a location transfer of a series 6 (bar) liquor license for an existing location and owner.
Location: 7300 E. Thomas Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **[QSL Wines Liquor License \(2-LL-2013\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesale) liquor license for an existing location with a new owner.
Location: 15905 N. 81st Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **[Permanent Extension of Premises for The Cider Mill \(110-EX-2012\)](#) – Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for The Cider Mill.
Location: 7240 E. Main Street, Suites B-3 and C-100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

9. **Galleria Corporate Center Abandonment Correction – Approved on Consent.**
Request: Adopt **Resolution No. 9314** authorizing Abandonment Resolution Correction Quit Claim Deed pertaining to the approved right-of-way abandonment application 20-AB-87, Resolution No. 3207.
Location: 4343 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
10. **Brown's Ranch Trailhead Improvements License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9301** authorizing Limited Use License Agreement No. 2013-009-COS with Arizona Public Service Company to allow the installation of electrical facilities within the McDowell Sonoran Preserve.
Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
11. **Stormwater Improvement Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9304** authorizing Intergovernmental Agreement No. 2013-011-COS with Flood Control District of Maricopa County to allow partnership and cost share for a drainage improvement project at 7121 E. 5th Avenue
Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
12. **Medical Direction Services Contract Extension – Approved on Consent.**
Request: Adopt **Resolution No. 9283** authorizing Contract No. 2010-205-COS-A1 for a one-year extension with Scottsdale Health Care for ongoing medical direction services.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov
13. **W. Eric Hulstedt v. City of Scottsdale, et al., Legal Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 9315** authorizing Contract No. 2012-179-COS-A1 with the law firm of Osborn Maledon, P.A., in an amount not to exceed \$70,000, for legal services for the City's defense of *W. Eric Hulstedt v. City of Scottsdale, et al.*, Ninth Circuit Court of Appeals, Case No. 12-16776.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
14. **Damacus O. Tate v. City of Scottsdale Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9312** authorizing Settlement Agreement Contract No. 2013-029-COS, providing for the payment of \$38,670 to settle the lawsuit entitled *Damacus O. Tate v. City of Scottsdale*, Case No. 2:12-CV-01340-ROS, currently pending in the United States District Court, District of Arizona.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
- ***14A. **Edmunds-Toll Construction Company v. City of Scottsdale Settlement Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9330** authorizing Contract No. 2013-035-COS providing for settlement of *Edmunds-Toll Construction Company v. City of Scottsdale*, Maricopa County Superior Court Case No. CV2012-018283.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
15. **Harquahala Land Purchase Supplemental Documents – Approved on Consent.**
Requests:
 1. Adopt **Resolution No. 9263** authorizing Amended Pipeline Capacity Agreement No. 2002-065-COS-A2 with Desert Mountain Club, Inc., and Amended Pipeline Capacity Agreement No. 2002-066-COS-A1 with CGP-Granite Golf, LLC.

2. Adopt **Resolution No. 9264** authorizing the City Manager to execute an application for modification of designation of assured water supply, to be filed with the Arizona Department of Water Resources (ADWR) to update the City's assured water supply to reflect a change in the amount of the Long-Term Water Supply from the Harquahala Valley to be provided to the Irrigation Water Distribution System (IWDS) Participants, Desert Mountain Club, Inc. and CGP-Granite Golf, LLC.
3. Adopt **Resolution No. 9265** authorizing Amended Member Service Area Agreement No. 2000-199-COS-A1 and Amended Water Availability Status Contract to Replenish No. 2000-200-COS-A1 with the Central Arizona Water Conservation District to reflect a change in the amount of the Long-Term Water Supply from the Harquahala Valley to be provided to the IWDS Participants, Desert Mountain Club, Inc. and CGP-Granite Golf, LLC.

Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

16. [Monthly Financial Report](#) – **Approved on Consent.**

Request: Accept the FY 2012/13 Monthly Financial Report as of December 2012.

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

REGULAR AGENDA ITEMS 17-21

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 any regular agenda or public hearing item.**

*****17. [Las Aguas Rezoning \(8-ZN-2012\)](#) – **Councilman Robbins moved to continue Item 17 to March 5, 2013. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.****

Requests:

1. At the request of the applicant, continue to March 5, 2013; **OR**
2. Adopt **Resolution No. 9251** declaring "Las Aguas Development Plan Public Record" as a public record; **AND**
3. Adopt **Ordinance No. 4056** approving a zoning district map amendment from Highway Commercial District (C-3) to Planned Unit Development with Amended Development Standards; approving a Development Plan to construct 154 multi-family residential units; finding that the Planned Unit Development 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 5± gross acre site.

Location: 6640 E. McDowell Road

Presenter(s): Kim Chafin, 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. 17 until after the vote to continue has been taken and the continuance has been denied.

18. **Legislative Update – Removed from the agenda at the request of Government Relations Director Brad Lundahl.**
Request: Provide an update to the Council and receive possible direction regarding current and pending State legislative issues and policies.
Presenter(s): Brad Lundahl, Government Relations Director
Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov
19. **Proposed Fiscal Year 2013/14 Key Operating Budget Issues – City Treasurer David Smith presentation.**
Requests:
1. Presentation by City Treasurer David N. Smith regarding key operating budget issues in the development of the City's Fiscal Year 2013/14 budget.
2. Provide possible direction to staff regarding the City's proposed Fiscal Year 2013/14 operating budget.
Presenter(s): David N. Smith, City Treasurer
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov
20. **Proposed Fiscal Year 2013/14 Key Capital Budget Issues – Acting Public Works Executive Director Derek Earle presentation.**
Requests:
1. Presentation by Acting Public Works Executive Director Derek Earle regarding key issues in the development of the City's Fiscal Year 2013/14 Capital Improvement Plan budget.
2. Provide possible direction to staff regarding the City's proposed Fiscal Year 2013/14 Capital Improvement Plan budget.
Presenter(s): Derek Earle, Acting Public Works Executive Director
Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
21. **Monthly Financial Update – Accounting Director Joyce Gilbride and City Treasurer David Smith presentations.**
Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of December 31, 2012.
Presenter(s): Joyce Gilbride, Accounting Director
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov

Public Comment – None

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CITIZEN PETITIONS

ITEM 22

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.

22. **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

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Mayor and Council Items – **None**

Adjournment – **7:57 PM**