

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

[ADDED CONSENT ITEM NO. 17A AND REGULAR ITEM NO. 17B]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, January 8, 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 (January 22, 2013).

4:30 P.M.

MARKED AGENDA

COUNCIL INAUGURATION

Call to Order – 4:34 P.M.

Introduction – Vice Mayor Dennis Robbins

Oath of Office – Incoming Mayor and City Council (W.J. "Jim" Lane, Suzanne Klapp, Virginia Korte, and Guy Phillips), administered by City Clerk Carolyn Jagger

Inaugural Remarks – Mayor W.J. "Jim" Lane

Adjourn – 4:44 P.M.

5:00 P.M.

REGULAR CITY COUNCIL MEETING

Call to Order – 5:02 P.M.

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

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 – Boy Scout Troop 6, Troop Leader Dan Colton



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).

Invocation – Father Pat Robinson, The Catholic Community of the Blessed Sacrament

Mayor and Council Welcome and Remarks – Mayor Lane announced that Caption Colorado will be providing closed captioning services for tonight’s meeting, and for all future Council meetings.

Newly elected Councilmembers Korte and Phillips, and newly re-elected Councilmember Klapp thanked Scottsdale citizens, friends, and family for their support.

Mayor Lane thanked the City Manager, City Attorney, City Treasurer and their staff for the major effort they put forth to restructure, refinance, renegotiate, and reduce a settlement agreement with Scottsdale Fashion Square, which prepays the City’s lease on the Nordstrom Garage using MPC Bonds. This will save the City about \$1.0M in FY 2013/14 and an estimated \$2.0M per year thereafter, based on a 3% annual sales increase assumption. Savings over the next fifteen years is estimated at \$30.0M. He also noted that this team has been instrumental in reworking agreements for CFDs for a savings of \$4.5M.

City Manager’s Report – None

Presentations/Information Updates – None

Public Comment – John Washington welcomed the new Councilmembers. Mike Fernandez commented on Light Rail in Scottsdale. Tammy Rowland announced that the City of Phoenix is closing Echo Canyon Park for renovation, while leaving the Cholla Trailhead open. She asked the Council to request that the City of Phoenix close Cholla Trailhead through March 31st to alleviate neighborhood congestion. Mark Stuart commented on subsidies.

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.**

MINUTES

Request: Approve the [Regular Meeting Minutes of December 3, 2012](#) and [December 4, 2012](#); and [Special Meeting Minutes of December 3, 2012](#).

– Vice Mayor Robbins moved to approve the Regular Meeting Minutes of December 3, 2012 and December 4, 2012; and Special Meeting Minutes of December 3, 2012. Councilwoman Milhaven seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-17A

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 City 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.

– Vice Mayor Robbins moved to approve Consent Items 1 through 17A. Councilwoman Klapp seconded the motion, which carried 7/0.

1. [Hollywood Live Partial Termination of Development Agreement and Conditional Use Permit \(24-UP-2012\) – Approved on Consent.](#)
Requests:
 1. Adopt **Resolution No. 9294** authorizing Agreement No. 2013-007-COS for the partial termination of Development Agreement No. 1998-046-COS with Excel Promenade LLC and Excel Promenade Office LLC; and
 2. Adopt **Resolution No. 9290** approving a Conditional Use Permit for a bar use in an existing 19,600± square-foot establishment with Planned Regional Center (PRC) zoning, and finding that the conditional use permit criteria have been met, for Case No. 24-UP-2012.**Location:** 16203 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Hollywood Live Liquor License \(113-LL-2012\) – Approved on Consent.](#)
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) liquor license for an existing location with a new owner.
Location: 16203 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [La Petite France Liquor License \(119-LL-2012\) – 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 an existing location with a new owner.
Location: 7001 N. Scottsdale Road, Suites 127 and 128
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. [Liquor Vault Liquor License \(120-LL-2012\) – 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 9 (liquor store) liquor license.
Location: 9301 E. Shea Boulevard, Suite 133
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. [Chop & Wok Liquor License \(121-LL-2012\) – 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 an previously licensed location with a new owner.
Location: 10425 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. [Chipotle Mexican Grill No. 2029 Liquor License \(122-LL-2012\) – 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: 20851 N. Scottsdale Road, Suite D-101
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. [Pig & Pickle Liquor License \(123-LL-2012\) – 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 an existing location with a new owner.
Location: 2922 N. Hayden Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. [Sprouts Farmer’s Market No. 2 Liquor License \(124-LL-2012\) – Approved on Consent.](#)
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 10 (beer and wine store) liquor license for an existing location and owner.
Location: 9301 E. Shea Boulevard, Suite 132
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

9. **[Sprouts Farmer's Market No. 19 Liquor License \(125-LL-2012\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 10 (beer and wine store) liquor license for an existing location and owner.
Location: 4402 N. Miller Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
10. **[Inchin Bamboo Garden Liquor License \(126-LL-2012\)](#) – **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: 10050 N. Scottsdale Road, Suites 121, 123, and 125
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
11. **[21 Degrees Cigars Liquor License \(127-LL-2012\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) liquor license for a new location and owner.
Location: 9375 E. Shea Boulevard, Suite C-100
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
12. **[Sante Abandonment \(9-AB-2011\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9272** extending the time to fulfill the conditions for abandoning 25± feet of right-of-way easement along E. Earll Drive and N. Civic Center Plaza, located adjacent to 7345 E. Earll Drive, with Highway Commercial District (C-3) zoning.
Location: 7345 E. Earll Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov**
13. **[Hydrogen Sulfide Mitigation Improvements Construction Services Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9224** authorizing CM@Risk Construction Services Contract No. 2012-176-COS with Archer Western Construction, LLC, in the amount of \$189,646, for design phase services for hydrogen sulfide mitigation improvements at five pumpback sewer stations.
Staff Contact(s): Derek Earle, Public Works Acting Executive Director, 480-312-2776, dearle@scottsdaleaz.gov**
14. **[Transportation On-Call Engineering Services Contract Modifications](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9275** authorizing the following transportation on-call engineering services contract modifications for the fourth year option:
 1. On-Call Engineering Services Contract No. 2009-188-COS-A2 with Gavan and Barker, Inc.
 2. On-Call Engineering Services Contract No. 2009-189-COS-A2 with Wood Patel and Associates, Inc.
 3. On-Call Engineering Services Contract No. 2009-190-COS-A2 with Dibble Engineering, Inc.
 4. On-Call Engineering Services Contract No. 2009-192-COS-A2 with URS Corporation**Staff Contact(s):** Derek Earle, Public Works Acting Executive Director, 480-312-2776, dearle@scottsdaleaz.gov**
15. **[Clinical Modalities and Training Budget Transfer](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9296** authorizing a budget transfer of \$70,000 from the General Fund Operating Contingency to the Fire Department's General Fund Operating Budget for the costs associated with providing training related to new clinical modalities. These monies will be directly reimbursed to the City by Professional Medical Transport Ambulance through the Financial Reserves for Clinical Modalities and Training portion of Ambulance Contract No. 2005-162-COS.
Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov**

16. [Emergency Traffic Management Mutual Aid Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9245** authorizing Intergovernmental Agreement No. 2012-186-COS with Maricopa County Department of Transportation for emergency traffic management mutual aid (Regional Emergency Action Coordinating Team Program).
Staff Contact(s): Derek Earle, Public Works Acting Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
17. [Proposition 202 Funds Acceptance Intergovernmental Agreement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9215** to authorize:
1. Intergovernmental Agreement No. 2012-174-COS with the Salt River Pima-Maricopa Indian Community to accept \$1,228,355.31 in Proposition 202 Tribal Gaming funds.
2. Budget transfer of \$1,228,355.31 from the adopted FY 2012/13 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
- ***17A. [Scottsdale Fashion Square Settlement](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 9303** to:
1. Approve Contract No. 2013-012-COS between the City and Scottsdale Fashion Square LLC (SFS) settling a dispute between the City and SFS regarding the amount owed by the City to pay all rent due under the Scottsdale Fashion Square Partnership (SFSP) Garage Lease Agreement, Exhibit 7 to Redevelopment Agreement No. 960138, amending that Lease Agreement; and
2. Authorize such budget transfer authority as may be necessary to fund such settlement.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

REGULAR AGENDA ITEMS 17B-18

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.**

- ***17B. [Community Services of Arizona Settlement](#)
– **Councilman Littlefield moved to adopt Resolution No. 9305 approving the contracts listed below for the purpose of a settlement with Community Services of Arizona, Inc. (CSA), allowing it to transfer eight multi-family properties that were funded with Federal Home Investment Partnership Program (HOME) funds to Quantum Realty Partners, LLC, or affiliated entity or designee(s), and providing for the limitations arising from the use of those HOME funds to remain in place for the required periods of time.**
- a) **Agreement No. 2013-013-COS, Release Agreement, between the City and CSA;**
 - b) **Agreement No. 2013-014-COS, Buyer's Agreement between the City and Quantum Realty Partners, LLC, or affiliated entity or designee(s);**
 - c) **Agreement No. 2013-015-COS, Loan Restructuring Agreement, between the City and Quantum Realty Partners, LLC, or affiliated entity or designee(s);**
 - d) **Agreement No. 2013-016-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Casa Cibola located at 3202-3208 N. 68th Street, Scottsdale, AZ;**
 - e) **Agreement No. 2013-017-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Villa Ventura located at 3230 N. 66th Place, Scottsdale, AZ;**

- f) **Agreement No. 2013-018-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Cheery Lynn II located at 6702 E. Cheery Lynn Road, Scottsdale, AZ;**
- g) **Agreement No. 2013-019-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Cheery Lynn III located at 6638 and 6644 E. Cheery Lynn Road, Scottsdale, AZ;**
- h) **Agreement No. 2013-020-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Shalimar Sands located at 6824 E. 4th Street, Scottsdale, AZ;**
- i) **Agreement No. 2013-021-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Royal Palms located at 4525 N. 74th Street, Scottsdale, AZ;**
- j) **Agreement No. 2013-022-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called 66th Place located at 3231 N. 66th Place, Scottsdale, AZ;**
- k) **Agreement No. 2013-023-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Cheery Lynn I located at 6701 and 6707 E. Cheery Lynn Road, Scottsdale AZ.**

Councilwoman Klapp seconded the motion, which carried 7/0.

Request: Adopt **Resolution No. 9305** approving the contracts listed below for the purpose of a settlement with Community Services of Arizona, Inc. (CSA), allowing it to transfer eight multi-family properties that were funded with Federal Home Investment Partnership Program (HOME) funds to Quantum Realty Partners, LLC, or affiliated entity or designee(s), and providing for the limitations arising from the use of those HOME funds to remain in place for the required periods of time.

- a) Agreement No. 2013-013-COS, Release Agreement, between the City and CSA;
- b) Agreement No. 2013-014-COS, Buyer's Agreement between the City and Quantum Realty Partners, LLC, or affiliated entity or designee(s);
- c) Agreement No. 2013-015-COS, Loan Restructuring Agreement, between the City and Quantum Realty Partners, LLC, or affiliated entity or designee(s);
- d) Agreement No. 2013-016-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Casa Cibola located at 3202-3208 N. 68th Street, Scottsdale, AZ;
- e) Agreement No. 2013-017-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Villa Ventura located at 3230 N. 66th Place, Scottsdale, AZ;
- f) Agreement No. 2013-018-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Cheery Lynn II located at 6702 E. Cheery Lynn Road, Scottsdale, AZ;
- g) Agreement No. 2013-019-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Cheery Lynn III located at 6638 and 6644 E. Cheery Lynn Road, Scottsdale, AZ;
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- i) Agreement No. 2013-021-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Royal Palms located at 4525 N. 74th Street, Scottsdale, AZ;
- j) Agreement No. 2013-022-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called 66th Place located at 3231 N. 66th Place, Scottsdale, AZ;
- k) Agreement No. 2013-023-COS, Declarations of Affirmative Land Use Restrictive Covenants, for the property called Cheery Lynn I located at 6701 and 6707 E. Cheery Lynn Road, Scottsdale AZ.

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

18. [2013 Federal Legislative Agenda](#) – **Government Relations Director Brad Lundahl presentation.**

Request: Consider the approval of the City of Scottsdale's 2013 Federal Legislative Agenda.

Presenter(s): Brad Lundahl, Government Relations Director

Staff Contact(s): Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

MAYOR AND COUNCIL ITEM 19

19. Ethics Refresher Training – City Attorney Bruce Washburn presentation.

On May 2, 2006, the Scottsdale City Council adopted Resolution No. 6879 and Ordinance No. 3675 establishing the City of Scottsdale Public Service Ethics Program and a Code of Ethical Behavior related to elected and appointed officials, which became effective July 1, 2006. The City's Ethics Program and the Code require that the Councilmembers receive annual ethics training.

This ethics training for the City Council will include the following components:

1. A discussion of the requirements of the Code of Ethical Behavior that are most frequently implicated in the Councilmembers' activities.
2. An update on any changes that might have occurred in the last year relating to the Code of Ethical Behavior.
3. An opportunity for Councilmembers to raise any issues of particular concern to them.

The training session is instructional and informational. No public business will be considered; however, the City Councilmembers may engage in discussion about ethics issues as part of this training session.

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

Public Comment – None

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.**

CITIZEN PETITIONS ITEM 20

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.

20. 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 – 7:01 P.M.