

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[REWORDED ITEM NOS. 14, 15, AND 16]**

### **COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

**Tuesday, March 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 (March 19, 2013).*

**5:00 P.M.**

## **MARKED AGENDA**

### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:11 P.M.**

**Roll Call – All present, Councilwoman Milhaven participated telephonically.**

*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 – Councilman Robbins**

**Invocation – Mayor Lane requested a moment of silence.**

**Mayor's Report – Mayor Lane announced that Scottsdale Unified School District has 30 National Merit Scholar finalists this year, at least one from every public high school in Scottsdale.**

**City Manager's Report – None**

**Presentations/Information Updates – None**

**Public Comment – Former Councilman and Bond Task Force Member Wayne Ecton spoke in support of the 2013 Scottsdale Bond Program.**

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-



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).

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 – Councilman Robbins moved to accept the agenda as presented. Vice Mayor Klapp seconded the motion, which carried 7/0.**

The supporting materials for Item No. 8 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.

**Request:** Vote to accept the agenda as presented or to continue the added item(s) to the March 19, 2013 Council meeting.

## MINUTES

**Request:** Approve the [Regular Meeting Minutes of February 5, 2013](#).

**– Councilman Robbins moved to approve the Regular Meeting Minutes of February 5, 2013. Vice Mayor Klapp seconded the motion, which carried 7/0.**

## CONSENT AGENDA ITEMS 1-11

**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.

**– Councilmember Korte moved to approve Consent Items 1 through 11. Councilmember Phillips seconded the motion, which carried 7/0.**

- 1. [99 Cents Only Store No. 164 Liquor License \(6-LL-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a new location and owner.  
**Location:** 7919 E. Thomas Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 2. [Teatro Pizzeria Liquor License \(9-LL-2013\)](#) – 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:** 32409 N. Scottsdale Road, Suite 107  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 3. [Permanent Extension of Premises for Brugos Pizza \(2-EX-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Brugos Pizza.  
**Location:** 34505 N. Scottsdale Road

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

4. **[74<sup>th</sup> Street and McDowell Road Redevelopment Abandonment \(8-AB-2012\)](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9333** approving the abandonment of the Culver Street right-of-way between the 74<sup>th</sup> Street and 75<sup>th</sup> Street alignments, located between parcels owned by the applicant, to facilitate construction of a multi-family residential development with Planned Community District (PCD) zoning.  
**Location:** Culver Street between the 74<sup>th</sup> Street and 75<sup>th</sup> Street alignments  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)**
5. **[Adaptive Recreation Building Remodel Architectural Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9325** authorizing Architectural Services Contract No. 2013-033-COS with Architectural Resources Team, Inc., to provide design services for the adaptive recreation building remodel project.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)**
6. **[Groundwater Conveyance Pipeline and Sewer Line Acquisition of Easements](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9327** authorizing the acquisition of various easements along McDonald Drive from Cattletrack Road to Hayden Road for groundwater conveyance pipeline and sewer line.  
**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, [dearle@scottsdaleaz.gov](mailto:dearle@scottsdaleaz.gov)**
7. **[Scottsdale Airport Engineering Services Contract](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9302** authorizing Engineering Services Contract Modification No. 2012-131-COS-A1 with Stantec Consulting Services, Inc., for airport engineering services.  
**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)**
8. **[CIP General Fund Capital Contingency Transfer and Purchase of Real Property](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9343** authorizing Real Property Purchase Agreement No. 2013-040-COS, in the amount of \$565,000, for flood control purposes; and a CIP General Fund Capital Contingency transfer in the amount of \$565,000 to a newly created CIP project titled DC Ranch Lot Acquisition to record the purchase.  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)**
9. **[Scottsdale Housing Agency Annual Plan](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9310** approving the Public Housing Agency Annual Plan for FY 2013/14 for the Housing Choice Voucher Program funded through the United States Department of Housing and Urban Development (HUD); authorizing changes to the Scottsdale Housing Agency's Administrative Plan; and accepting additional Housing Choice Vouchers that may become available.  
**Staff Contact(s):** William Murphy, Community Services Executive Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)**
10. **[Audit Committee Recommendation for Historic Preservation Commission Sunset Review](#) – **Approved on Consent.**  
**Request:** Adopt **Resolution No. 9335** accepting the Audit Committee's recommendation and authorizing the continuation of the Historic Preservation Commission.**

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

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

**Request:** Accept the FY 2012/13 Monthly Financial Report as of January 2013.

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

## **REGULAR AGENDA      ITEMS 12-15**

**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.**

12. **Las Aguas Rezoning (8-ZN-2012) – Councilman Robbins moved to continue the Las Aguas rezoning request to April 9, 2013. Vice Mayor Klapp seconded the motion, which carried 6/1, with Councilman Littlefield dissenting.**

**Requests:**

1. Adopt **Resolution No. 9251** declaring “Las Aguas Development Plan Public Record” as a public record.
2. Adopt **Ordinance No. 4056** approving a zoning district map amendment from Highway Commercial District (C-3) to Planned Unit Development (PUD) with Amended Development Standards; approving a Development Plan to construct 154 multi-family residential units; finding that the Planned Unit Development (PUD) 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](mailto:rgrant@scottsdaleaz.gov)

13. **CVS Pharmacy at Scottsdale and McDonald Non-Major General Plan Amendment and Rezoning (5-GP-2012 and 10-ZN-2012)**

**Councilwoman Milhaven declared a conflict of interest.**

**– Councilmember Phillips moved to continue the CVS Pharmacy non-major General Plan amendment and rezoning request for 30 days. The motion died for lack of a second.**

**– Vice Mayor Klapp moved to adopt Resolution No. 9323 approving a Non-Major General Plan Amendment to the Scottsdale General Plan Land Use Map from Office to Commercial on a 1.56± acre site for Case No. 5-GP-2012 and adopt Ordinance No. 4069 approving a zoning district map amendment from Commercial Office (C-O) zoning to Central Business (C-2) zoning; and finding the zoning district map amendment is consistent and conforms with the adopted General Plan on a 1.56± acre site for Case No. 10-ZN-2012. Councilmember Korte seconded the motion, which carried 5/1, with Councilmember Phillips dissenting and Councilwoman Milhaven declaring a conflict of interest.**

**Requests:**

1. Adopt **Resolution No. 9323** approving a Non-Major General Plan Amendment to the Scottsdale General Plan Land Use Map from Office to Commercial on a 1.56± acre site for Case No. 5-GP-2012.

2. Adopt **Ordinance No. 4069** approving a zoning district map amendment from Commercial Office (C-O) zoning to Central Business (C-2) zoning; and finding the zoning district map amendment is consistent and conforms with the adopted General Plan on a 1.56± acre site for Case No. 10-ZN-2012.

**Location:** 6045 N. Scottsdale Road

**Presenter(s):** Brad Carr, Senior Planner

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

**\*\*\*14. [City's Proposed Fiscal Year 2013/14 Rates and Fees](#) – Acting City Manager Daniel Worth and Water Resources Executive Director Brian Biesemeyer presentations.**

**Requests:**

1. Presentation by Acting City Manager Daniel Worth and Water Resources Executive Director Brian Biesemeyer on the proposed FY 2013/14 rates and fees.
2. Provide possible direction to staff regarding the City's proposed FY 2013/14 rates and fees.

**Presenter(s):** Daniel Worth, Acting City Manager; Brian Biesemeyer, Water Resources Executive Director

**Staff Contact(s):** Daniel Worth, Acting City Manager, 480-312-2800, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

**\*\*\*15. [City's Proposed Fiscal Year 2013/14 General Fund Revenue Assumptions](#) – Tax Audit Manager Susan Christensen and City Treasurer David N. Smith presentations.**

**Requests:**

1. Presentations by Tax Audit Manager Susan Christensen on Sales Tax Revenue Forecasting Methodology, and City Treasurer David N. Smith on the revenue assumptions in the development of the City's FY 2013/14 budget and five-year financial forecast.
2. Provide possible direction to staff regarding the City's proposed FY 2013/14 revenue assumptions.

**Presenter(s):** Susan Christensen, Tax Audit Manager; David N. Smith, City Treasurer

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

## MAYOR AND COUNCIL

### ITEM 16

**\*\*\*16. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for April 9, 2013)**

**How the Board and Commission Nomination Process Works:** The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Board of Adjustment (*two vacancies*) – **Councilmember Korte nominated Marty Goodman and Sergio Martinez, Mayor Lane nominated Sajid Mahmud, Vice Mayor Klapp nominated Paul Garry and Councilman Robbins nominated William Adler.**

Environmental Quality Advisory Board (*one Engineering/Planning vacancy*) – **Councilmember Korte nominated Stephen Hermann.**

McDowell Sonoran Preserve Commission (*one vacancy*) – **Councilman Littlefield nominated James Heitel and Councilmember Korte nominated Janice Friebaum.**

Neighborhood Advisory Commission (*one vacancy*) – **Mayor Lane nominated Michael Auerbach, Vice Mayor Klapp nominated Todd Mazon and Councilwoman Milhaven nominated Joe Meli.**

Tourism Development Commission (*one Hotelier vacancy*) – **Vice Mayor Klapp nominated Carl Grupp, Councilwoman Milhaven nominated Randal Ortiz, Councilmember Phillips nominated Richard Alt and Councilmember Korte nominated Camille Hill.**

**Note:** The only Council action to be taken on Item No. 16 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken at this time.

**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 17**

**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.

**17. 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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjournment – 8:41 PM**