

SCOTTSDALE

CITY COUNCIL MEETING



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

[REMOVED ITEM NO. 4 AND REWORDED 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, May 7, 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 (May 14, 2013).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 – Daisy Troop 1667, Troop Leader Anita Elco

Invocation – Pastor Cynthia Cone, One Life Christian Church

Mayor's Report – None

City Manager's Report – None

Presentations/Information Updates

- [Future Leaders Town Hall Presentation](#)
Presenter(s): Mary Vandevord, Senior Planner

– Senior Planner Mary Vandevord gave a presentation on the Future Leaders Town Hall.



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).

Public Comment – Eric Nesvig submitted a citizen’s petition regarding the Arizona Multi-Use Canal Path Project (Chaparral to Indian Bend) asking the Council to: (1) agendaize a Council hearing on the project and hold it after the summer break to allow community input from the impacted families who are out of town during the summer months; and (2) direct staff to not submit the project to the Transportation Commission or the Development Review Board until after the public hearing on the project has been held. Jim Derouin submitted a citizen’s petition asking the Council to direct the City’s Transportation Department to gather information on the feasibility of high capacity transportation and available options. Kathy Littlefield made an announcement about upcoming Scottsdale Philharmonic activities and events. Suzanne Busseuil commented on the Arizona Multi-Use Canal Path Project (Chaparral to Indian Bend) and spoke in support of the citizen’s petition submitted by Eric Nesvig. Anna Lock read a letter from Maureen Dias regarding Greasepaint Youtheatre.

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” time.**

MINUTES

Request: Approve the [Regular Meeting Minutes of April 9, 2013](#) and [Special Meeting Minutes of April 9, 2013](#).

– Councilmember Korte moved to approve the Regular Meeting Minutes of April 9, 2013 and Special Meeting Minutes of April 9, 2013. Vice Mayor Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA ITEMS 1-13

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.

– Councilman Robbins moved to approve Consent Items 1 through 13, absent Item 4. Councilmember Korte seconded the motion, which carried 7/0.

1. [Roxy Lounge Liquor License \(18-LL-2013\)](#) – **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 6 (bar) liquor license.
Location: 7443 E. 6th Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Shaker’s Sports Bar and Grill Liquor License \(19-LL-2013\)](#) – **Approved on Consent.**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.
Location: 8040 E. McDowell Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

3. **The Western Liquor License (21-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 an existing location with a new owner.

Location: 6830 E. 5th Avenue, Suites 106, 107, and 108

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

***4. **A Twisted Rose Liquor License (22-LL-2013)**

(Removed at the request of staff)

5. **Safeway Food and Drug No. 1491 Liquor License (23-LL-2013) – 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 an existing location with a new owner.

Location: 7920 E. Chaparral

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

6. **Don Bluth Front Row Theatre Conditional Use Permit (2-UP-2013) – Approved on Consent.**

Request: Adopt **Resolution No. 9395** approving a Conditional Use Permit for live entertainment use in an 8,600± square foot establishment with Highway Commercial (C-3) zoning, and finding that the conditional use permit criteria have been met.

Location: 8670 E. Shea Boulevard

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

7. **Bacara Acceptance of Title and Final Plat (28-PP-2012) – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 9371** approving the acceptance of title to a 1.90± acre parcel of land.
2. Approve a final plat for a new 50-lot single-family residential subdivision on 38± acres.

Location: Southeast corner of E. Juan Tabo Road and N. Scottsdale Road

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

8. **Scottsdale Road Preservation Streetscape Construction Services Contract Modification – Approved on Consent.**

Request: Adopt **Resolution No. 9378** authorizing CM@Risk Construction Services Contract modification No. 2012-127-COS-A1 with Hunter Contracting Co., in the amount of \$33,951, for design phase services for construction of enhancements to Scottsdale Road from Pinnacle Peak Road to Carefree Highway.

Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov

9. **Southwest Waterline Upgrades Construction Bid Award and Budget Appropriation Transfer – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 9345** authorizing Construction Bid Award No. 13PB031 to Standard Construction Company, Inc., the lowest responsive bidder, at a unit bid price of \$972,392.75, for southwest waterline upgrades.
2. Adopt **Resolution No. 9384** authorizing a budget appropriation transfer in the amount of \$1,215,000 from CIP 600-W4708, Well Sites Rehabilitation, to a newly created CIP project titled Southwest Waterline Replacements to be funded by water rates.

Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov

10. **Coffee Café Concession Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9369** authorizing Contract No. 2013-055-COS with Southwest Autism Research and Resource Center for renewal of the Coffee Café concession agreement at Civic Center Library.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
11. **McDowell Sonoran Preserve License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9381** authorizing License Agreement No. 2013-051-COS with Western Area Power Administration to allow the installation of access control measures within their transmission corridor in an effort to eliminate motorized vehicle access into the McDowell Sonoran Preserve.
Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
12. **Fixed Route Transit Service Intergovernmental Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 9403** authorizing Intergovernmental Agreement No. 2009-128-COS-A4 with the City of Phoenix for the provision of fixed route transit service at a cost of \$1,826,021 for FY 2013/14.
Staff Contact(s): David Meinhart, Transportation Director, 480-312-7010, dmeinhart@scottsdaleaz.gov
13. **Monthly Financial Report – Approved on Consent.**
Request: Accept the FY 2012/13 Monthly Financial Report as of March 2013.
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov

REGULAR AGENDA ITEMS 14-18

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.**

14. **Public Hearing and Review of the Proposed Fiscal Year 2013/14 Budget – Acting City Manager Dan Worth and City Treasurer David Smith presentations on the proposed FY 2013/14 budget.**
– Councilman Littlefield moved to direct staff to develop a step program and incorporate it into the proposed budget. Councilmember Phillips seconded the motion. No vote taken.
– Councilwoman Milhaven made an alternate motion to direct staff to: (1) increase the proposed budget by \$2.5M in one-time monies to address potential salary inequities; and (2) prior to spending any funds, complete a competitive salary survey and a proposal on how the monies would be spent and bring the proposal back to Council for approval no later than September. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.
– Councilman Littlefield moved to direct staff to increase the proposed budget by \$575,000 in one-time monies to staff Fire Station 602 up to the level needed for two companies. Councilmember Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilman Robbins dissenting.

- Councilman Robbins made an alternate motion to direct staff to add \$425,000 in one-time monies to the Fire Department’s proposed overtime budget to return Fire Station 602’s staffing to 2011/2012 levels. Mayor Lane seconded the motion, which failed 3/4, with Councilmembers Korte, Littlefield, Milhaven, and Phillips dissenting.
- Vice Mayor Klapp moved to direct staff to add \$110,406 to the proposed budget to fund a Deputy Fire Marshal position. Councilwoman Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilman Robbins dissenting.
- Councilmember Korte moved to direct staff to remove the \$4.3M WestWorld renovation project from the CIP Program. Councilwoman Milhaven seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Littlefield, Phillips, and Robbins dissenting.

Request: Public hearing to receive public input relative to the proposed operating budget and capital improvement plan; discuss and provide direction to staff regarding the inclusion, removal, and/or modification of items from the proposed budget; and presentations from staff, if needed, regarding the proposed budget.

Presenter(s): Daniel Worth, Acting City Manager; David N. Smith, City Treasurer

Staff Contact(s): Daniel Worth, Acting City Manager, 480-312-2811, dworth@scottsdaleaz.gov; David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov

15. [Visioning Scottsdale Town Hall Report](#) – Councilman Littlefield moved to continue Items 15, 16, and 17 to May 14, 2013. Councilwoman Milhaven seconded the motion, which carried 7/0.
Request: Presentation, discussion, and possible direction to staff regarding the Visioning Scottsdale Town Hall Report.
Presenter(s): Mary Vandevord, Senior Planner
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
16. [General Plan 2014 Written Procedures and Adoption Calendar](#) – Continued to May 14th.
Request: Adopt **Resolution No. 9393** establishing written procedures and an adoption calendar for the Scottsdale General Plan 2014.
Presenter(s): Erin Perreault, Long Range Planning Manager
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

- ***17. [Scottsdale General Plan 2014 Task Force](#) – Continued to May 14th.
Requests:
1. Adopt **Resolution No. 9394** forming a General Plan 2014 Task Force.
 2. Approve appointments to the General Plan 2014 Task Force as follows:
 - a. Members: Phil Allsopp, Ace Bailey, Kathe Barnes, Timothy Burns, Bill Camp, Nancy Cantor, Dawn Cartier, Joe Galli, Troy Gillenwater, Donna Hardin, James Heitel, John Hink, Abby Hoover, Rick Kidder, Sonnie Kirtley, Loren Molever, James Moulton, Howard Myers, Jude Nau, Ned O’Hearn, Suzanne Paetzer, Joanne “Copper” Phillips, Doreen Reinke, Laraine Rodgers, Wendy Springborn.
 - b. Alternates: Mike Bergfeldt, Azim Hameed, Andrea Kranitz, Sabrina LaSpisa, Brad Michaelson, Isabel Montiel, Leila Parnian, Chris Schaffner, Leslie Sonnier, Steven Voss.
- Presenter(s):** Erin Perreault, Long Range Planning Manager
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

18. [Citizen Petition Requesting Consideration of the Determination Regarding the Blue Sky Stipulation](#)
– Councilman Littlefield moved to affirm that the Blue Sky zoning stipulation has not been met. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

- Mayor Lane moved to take no action on the citizen petition seeking consideration of the Acting City Manager’s determination that Blue Sky had complied with its conditional zoning stipulation. Councilmember Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.
- Councilman Phillips made an alternate motion to direct staff to proceed with the continuance of the item for a maximum of 120 days, until such time as the traffic and safety issues have been resolved to all concerned, including, but not limited to, the revised building heights and density, additional ingress and egress, and the guest parking. After the 120 days extension, staff can present their findings to the Council for approval of the new site plan and a two-year continuance. Councilman Littlefield seconded the motion and later withdrew it. Motion died for lack of a second.
- Councilman Littlefield made an alternate motion to continue the item until the City Manager reports back to the Council on whether the Blue Sky zoning stipulations, as they relate to the issuance of the building permit, have been met. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.
- Acting City Manager Dan Worth will research the Blue Sky zoning stipulations, as they relate to the issuance of the building permit, and report back to Council.

Request: Discuss, consider, and provide possible direction to staff on a citizen petition, as provided by the City Charter, seeking consideration of the Acting City Manager’s determination that Blue Sky had complied with its conditional zoning stipulation.

Presenter(s): Daniel Worth, Acting City Manager

Staff Contact(s): Daniel Worth, Acting City Manager, 480-312-2811, dworth@scottsdaleaz.gov

Public Comment – None

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CITIZEN PETITIONS

ITEM 19

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.

19. Receipt of Citizen Petitions

- Councilman Littlefield moved to agendize the citizen petition submitted by Eric Nesvig regarding the Arizona Multi-Use Canal Path Project (Chaparral to Indian Bend) asking Council to: (1) agendize a Council hearing on the project and hold it after the summer break to allow community input from the impacted families who are out of town during the summer months; and (2) direct staff to not submit the project to the Transportation Commission or the Development Review Board until after the public hearing on the project has been held. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.
- Councilmember Korte moved to direct the City Manager to investigate the citizen’s petition submitted by Jim Derouin asking the Council to direct the City’s Transportation Department to gather information on the feasibility of high capacity transportation and available options and to prepare a written response to the Council, with a copy to the petitioner, within 30 days. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

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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 agendaize 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 – 10:36 P.M.