

SCOTTSDALE

CITY COUNCIL MEETING

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

[REWORDED REGULAR ITEM No. 19]



COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

Tuesday, December 10, 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 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 (January 14, 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).

Pledge of Allegiance – Brownie Troop 793, Troop Leader Susie Irwin

Invocation – Pastor Cynthia Cone, One Life Christian Church

Mayor's Report – Mayor Lane referenced a number of articles that have been in the newspaper recently regarding the approximately 6,600 Child Protective Services (CPS) cases that were not investigated. Mayor Lane asked City staff to work with CPS to determine which of these cases are in Scottsdale and to offer the City's assistance. Mayor Lane wished everyone a merry Christmas, happy holidays and a joyous new year.

City Manager's Report – None

Presentations/Information Updates – None



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 – Cynthia Hill, Police Officers’ Scottsdale Association (POSA), commented on the Shop with a Cop Program.

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. 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.”**

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. 19 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 January 14, 2014 Council meeting.

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

CONSENT AGENDA ITEMS 1-17

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.

– Councilman Robbins made a motion to approve Consent Items 1 through 17. Councilwoman Milhaven seconded the motion, which carried 7/0.

1. **[Naya Mediterranean Cuisine Liquor License \(102-LL-2013\)](#) – **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: 8877 N. Scottsdale Road, Suite 402
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**
2. **[Pink Pony Liquor License \(103-LL-2013\)](#) – **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: 3831 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov**

3. **Champion Field Liquor License (104-LL-2013) – 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: 8763 E. Bell Road, Suite 101
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Albertson's Store No. 969 Liquor License (105-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 9 (liquor store) State liquor license for an existing location and owner.
Location: 15660 N. Frank Lloyd Wright Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Albertson's Store No. 966 Liquor License (106-LL-2013) – Approved on Consent.**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for sampling privileges for a series 9 (liquor store) State liquor license for an existing location and owner.
Location: 6965 N. Hayden Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Chances on 6th Liquor License (107-LL-2013) – 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: 7570 E. 6th Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
7. **Bink's Liquor License (108-LL-2013) – 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: 6107 N. Scottsdale Road, Suite C-10
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
8. **Taco Haus Liquor License (109-LL-2013) – 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: 7318 E. Shea Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
9. **Salt and Lime Modern Mexican Grill Liquor License (110-LL-2013) – 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: 9397 E. Shea Boulevard, Suite 115
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
10. **Fogon of Scottsdale Liquor License (111-LL-2013) – 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: 7001 N. Scottsdale Road, Suite 147
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

11. **Permanent Extension of Premises for EVO (11-EX-2013) – 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 12 (restaurant) State liquor license.
Location: 4175 N. Goldwater Boulevard
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

12. **Scottsdale’s Museum of the West Rezoning and Municipal Use Permit (2-ZN-2000#4 and 8-UP-2013) – Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4118** approving a zoning district map amendment from Downtown/Residential Hotel Type-2 Planned Block Development Downtown Overlay (D/RH-2 PBD DO) and Downtown/Office Commercial Type-2 Planned Block Development Downtown Overlay (D/OC-2 PBD DO) to Downtown/Downtown Multiple Use Type-2 Planned Block Development Downtown Overlay (D/DMU-2 PBD DO), including amending an existing and approving a new Development Plan; finding that the Planned Block Development Overlay criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on 2.7± acres, for Case No. 2-ZN-2000#4.
 2. Adopt **Resolution No. 9589** approving the Municipal Use Master Site Plan to accommodate a proposed cultural institution on a 2.7± acre site of City-owned properties, for Case No. 8-UP-2013.
 3. Adopt **Resolution No. 9566** declaring “Scottsdale’s Museum of the West Development Plan” as a public record.**Location:** 7084 E. 2nd Street, 3830 N. Marshall Way, and 3840 N. Marshall Way
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

13. **Scottsdale Convention and Visitors Bureau Additional Event Request – Approved on Consent.**
Request: Adopt **Resolution No. 9587** approving the 2014 Native Trails Event as an “Additional Event” under the Destination Marketing Services Agreement No. 2012-053-COS with the Scottsdale Convention and Visitors Bureau.
Staff Contact(s): Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov

14. **Independent Ethics Reviewers Professional Services Contracts – Approved on Consent.**
Request: Adopt **Resolution No. 9591** authorizing the following professional services contracts to allow retired judges to serve as independent ethics reviewers, as required by Scottsdale Revised Code Section 2-57:
 1. Contract No. 2013-187-COS with Raymond Lee
 2. Contract No. 2013-188-COS with Penny L. Willrich
 3. Contract No. 2013-189-COS with Jonathan H. Schwartz**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

15. **Land Use Assumptions and Infrastructure Improvement Plans – Approved on Consent.**
Requests:
 1. Adopt **Resolution No. 9560** approving the 2013 Water and Wastewater Land Use Assumptions and Water and Wastewater Infrastructure Improvements plans related to proposed changes to impact fees, and declaring those certain documents as public records.
 2. Adopt the notice of intention to modify Water and Wastewater Impact Fees effective July 1, 2014 and establish January 14, 2014 as the date for a public hearing.**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

16. **General Obligation Refunding Bond Issuance – Approved on Consent.**
Request: Adopt **Resolution No. 9569** approving the sale of City of Scottsdale General Obligation Refunding Bonds, Series 2014, in an aggregate amount not to exceed \$140 million and authorizing the negotiation, execution, and delivery of certain agreements by the City Treasurer.
Staff Contact(s): Jeff Nichols, City Treasurer, 480-312-2364, jenichols@scottsdaleaz.gov
17. **Fiscal Year End 2012/13 Financial Report – Approved on Consent.**
Request: Accept the FY 2012/13 Monthly Financial Report as of June 2013 (fiscal year-end).
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov

REGULAR AGENDA ITEMS 18-21

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 that item.**

18. **Fiscal Year 2012/13 Annual Financial Audit – Councilwoman Klapp made a motion to accept the Fiscal Year 2012/13 annual financial audit as submitted. Vice Mayor Korte seconded the motion, which carried 7/0.**
Request: Accept the Fiscal Year 2012/13 annual financial audit submitted by the City's external auditors, CliftonLarsonAllen LLP.
Presenter(s): Sharron Walker, City Auditor
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
- ***19. **WestWorld Food and Alcohol License and Marketing Agreement and Monterra Food and Alcohol License Agreement**
– Vice Mayor Korte made a motion to call the question. Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.
– Councilman Robbins made a motion to adopt Resolution 9584 with Option A. Councilwoman Klapp seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Littlefield and Phillips dissenting.
– Councilman Phillips made an alternate motion to adopt Resolution 9584 and to find the \$200,000 in the existing budget. Councilman Littlefield seconded the motion, but later withdrew his second.
Request: Adopt **Resolution No. 9584** to authorize WestWorld Food and Alcohol License and Marketing Agreement No. 2013-186-COS to direct food service and marketing services at WestWorld, together with the related Monterra Food and Alcohol License Agreement No. 2013-191-COS to direct food service at Monterra at WestWorld, with National Western Capital Corporation; and to authorize one of the following options:
Option A: FY 2013/14 General Fund operating budget contingency transfer in the amount of \$200,000 to the WestWorld operating budget; **OR**
Option B: FY 2013/14 General Fund operating budget appropriation contingency transfer in the amount of \$200,000 to the WestWorld operating budget to be funded by Tourism Development Fund.
Presenter(s): Paul Katsenes, Community and Economic Development Executive Director
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov

20. [Define Operating Budget Parameters for Proposed Fiscal Year 2014/15](#) – **City Manager Fritz Behring presentation.**
– **General direction was given to continue the current Property Tax Tort Recovery Policy and to consider budgeting three percent for salary adjustments for all City staff, based on merit performance.**
Requests: (1) Presentation by City Manager Fritz Behring defining operating budget parameters in the development of the City's Fiscal Year 2014/15 budget; and (2) Provide possible direction to staff regarding the City's proposed Fiscal Year 2014/15 Operating Budget.
Presenter(s): Fritz Behring, City Manager
Staff Contact(s): Judy McIlroy, Budget Director, 480-312-2603, jmcilroy@scottsdaleaz.gov
21. [Organization Strategic Plan](#) – **Councilman Robbins made a motion to adopt Resolution No. 9576 adopting an organizational mission statement and priorities for Fiscal Year 2013/14, and directing staff to implement the priorities and to provide regular updates on the progress of implementing these priorities. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilman Littlefield and Phillips dissenting.**
Request: Adopt **Resolution No. 9576** adopting an organizational mission statement and priorities for Fiscal Year 2013/14, and directing staff to implement the priorities and to provide regular updates on the progress of implementing these priorities.
Presenter(s): Brent Stockwell, Strategic Initiatives Director
Staff Contact(s): Brent Stockwell, Strategic Initiatives Director, 480-312-7288, bstockwell@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

Mayor and Council Items – None

Adjournment – 8:21 P.M.