

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 9, 2013**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:10 P.M. on Tuesday, April 9, 2013, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane
Vice Mayor Suzanne Klapp
Councilmembers Virginia L. Korte, Robert W. Littlefield, Linda Milhaven
(participated telephonically), Guy Phillips, and Dennis E. Robbins

Also Present: Acting City Manager Dan Worth
City Attorney Bruce Washburn
City Treasurer David Smith
City Auditor Sharron Walker
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Brownie Troop 2729, Troop Leaders Lisa Settel and Wendy Fraiser

INVOCATION – Pastor Tom Sharda, Scottsdale Bible Church

MAYOR'S REPORT

Mayor Lane presented Police Communications Operations Manager Karen Sutherland with a proclamation honoring the City's police and fire dispatchers and 911 operators.

Mayor Lane proclaimed April 9 as the 1st Annual Mayor's Day of Recognition for National Service. John Liffiton, Chair of the Arizona Council for International Visitors, accepted the proclamation.

CITY MANAGER'S REPORT - None

NOTE: IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN BY THE CITY COUNCIL. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

PRESENTATIONS/INFORMATION UPDATES - None

PUBLIC COMMENT

- Ed Yankowski submitted a citizen's petition (attached) seeking consideration of the Acting City Manager's determination that Blue Sky had complied with its conditional zoning stipulation.
- John McLinden spoke in support of Ed Yankowski's petition.
- Sydney Saperstein spoke in support of Ed Yankowski's petition.
- Nancy Cantor, on behalf of the Greater Scottsdale Coalition, asked the City to review the liquor license application policies and procedures.
- Mark Stuart commented on gifting and exclusive use of public property.

ADDED ITEMS

A1. Added Items

Because of changes to the exhibits to Resolution No. 9251 and Ordinance No. 4056 for Item No. 25 that occurred less than ten days prior to the meeting a separate vote is required to determine whether the item will remain on the agenda or will be continued.

Request: Vote to accept the agenda as presented or to continue Item No. 25 to either April 16 or April 30, 2013.

MOTION AND VOTE – ADDED ITEMS

Councilman Robbins moved to accept the agenda as presented. Vice Mayor Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

MINUTES

Request: Approve the Regular Meeting Minutes of February 26, 2013 and March 5, 2013; Special Meeting Minutes of March 5, 2013; and Executive Session Minutes of March 5, 2013.

MOTION AND VOTE

Councilmember Korte moved to approve the Regular Meeting Minutes of February 26, 2013 and March 5, 2013; Special Meeting Minutes of March 5, 2013; and Executive Session Minutes of March 5, 2013. Vice Mayor Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA

1. Rowland and Co. Importers, Ltd. Liquor License (10-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesale) liquor license for a new location and owner.

Location: 10456 N. 74th Street, Suite 3009

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

- 2. Stevie Mack's Sports Grill Liquor License (11-LL-2013)**
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: 4224 N. Craftsman Court
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 3. Holiday Inn Express Hotel and Suites Liquor License (12-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location with a new owner.
Location: 3131 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 4. Wine Warehouse Liquor License (13-LL-2013)**
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: 17025 N. Scottsdale Road, Suite 140
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 5. Wine Warehouse Liquor License (14-LL-2013)**
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: 17025 N. Scottsdale Road, Suite 140
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 6. Whole Foods Market Liquor License (15-LL-2013)**
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: 8688 E. Raintree Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 7. A Twisted Rose Liquor License (16-LL-2013)**
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: 15040 N. Northsight, Suite 104
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

- 8. A Twisted Rose Liquor License (17-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 13 (domestic farm winery) liquor license for an existing location with a new owner.
Location: 15040 N. Northsight, Suite 104
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 9. Permanent Extension of Premises for Ling and Louie's Asian Bar and Grill (3-EX-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Ling and Louie's Asian Bar and Grill.
Location: 9397 E. Shea Boulevard, Suite 125
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
- 10. Water Resources Infrastructure Construction Services Contract Modification**
Request: Adopt **Resolution No. 9350** authorizing the following job order contract modifications for the fourth option year for citywide water resources infrastructure construction services:
 1. On-Call Engineering Services Contract No. 2010-034-COS-A3 with Achen Gardner Construction, LLC.
 2. On-Call Engineering Services Contract No. 2010-035-COS-A3 with Quest Civil Constructors, Inc.**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
- 11. Water Resources Treatment Construction Services Contract Modification**
Request: Adopt **Resolution No. 9349** authorizing the following job order contract modifications for the fourth option year for citywide water resources treatment construction services:
 1. On-Call Engineering Services Contract No. 2010-037-COS-A4 with Currier Construction, Inc.
 2. On-Call Engineering Services Contract No. 2010-036-COS-A4 with MGC Contractors, Inc.**Staff Contact(s):** Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov
- 12. Southwest Waterline Upgrades Construction Bid Award**
(Item No. 12 was removed at the request of staff and will be brought back at a later date.)
- 13. Scottsdale-McDowell Transit Center Construction Bid Award**
Request: Adopt **Resolution No. 9338** authorizing Construction Bid Award No. 11PB039 to Visus Engineering Construction, Inc., the lowest responsive bidder, at their unit price bid of \$1,238,000, for construction of the Scottsdale-McDowell Transit Center Project.
Staff Contact(s): Derek Earle, Acting Public Works Executive Director, 480-312-2776, dearle@scottsdaleaz.gov

14. Traffic Management Center Relocation Capital Improvement Project Budget Transfer

Request: Adopt **Resolution No. 9355** to authorize:

1. Creation of a new CIP project titled Traffic Management Center Relocation to record all related financial transactions.
2. Budget appropriation transfer totaling \$550,000 from project T0902, ITS/Signal System Upgrades, to the new CIP project to be funded by Transportation Sales Tax.

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

15. Public Safety Radio Intergovernmental Agreement

Request: Adopt **Resolution No. 9351** authorizing Intergovernmental Agreement No. 2013-042-COS with the State of Arizona, Department of Public Safety (ADPS), for the installation and operation of municipal and public safety radio communications on ADPS properties and for the installation and operation of ADPS public safety radio communications equipment on City properties.

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov; Brad Hartig, Information Technology Executive Director, 480-312-7615, bhartig@scottsdaleaz.gov

16. Scottsdale Polo Championships Horses and Horsepower Event

Request: Adopt **Resolution No. 9353** to authorize:

1. Funding, not to exceed \$75,000, from the City portion of the bed tax allocated toward event development for the "Scottsdale Polo Championships: Horses and Horsepower" event.
2. New Event Funding Agreement No. 2013-044-COS with Scottsdale Polo Championships, LLC.

Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov

17. Arizona Bike Week WestWorld Event Agreement

Request: Adopt **Resolution No. 9362** authorizing Contract No. 2009-014-COS-A1, the first amendment to the WestWorld Event Agreement with FX Promotions, Inc., to use WestWorld Special Event Facilities for Arizona Bike Week.

Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov

18. Financial Statement Audit Contract Extension

Request: Adopt **Resolution No. 9342** extending Contract No. 2011-044-COS with CliftonLarsonAllen, LLP for one additional year for financial statement audit services.

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

19. Notice of Intention to Increase Water and Wastewater Rates and Fees

Request: Adopt notice of intention to increase water and wastewater rates and fees for Fiscal Year 2013/14, and establish May 14, 2013 as the date for a public hearing.

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

- 20. Settlement of Duffy v. City of Scottsdale**
Request: Adopt **Resolution No. 9360** authorizing settlement, in the amount of \$30,000 of Gerald Arthur Duffy's negligence lawsuit against the City entitled *Duffy v. City of Scottsdale*, Case No. CV2011-014187, currently pending in the Superior Court of Maricopa County, Arizona.
Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
- 21. 2012 Boards, Commissions, and Working Task Force Annual Report**
Request: Receive the 2012 annual report approved by each publicly-appointed Board, Commission, and working Task Force.
Staff Contact(s): J.P. Twist, Mayor's Chief of Staff, 480-312-7806, jptwist@scottsdaleaz.gov
- 22. Council Committee and Subcommittee Appointments and Dissolution of the Water Subcommittee**
Requests:
1. Confirm Mayor Lane's City Council committee and subcommittee appointments for the Audit Committee, Economic Development Subcommittee, and WestWorld Subcommittee, as follows:
 - a. Audit Committee – Vice Mayor Klapp, Councilmembers Littlefield and Korte
 - b. Council Subcommittee on Economic Development – Mayor Lane, Councilmembers Milhaven and Robbins
 - c. WestWorld Subcommittee – Mayor Lane, Councilmembers Phillips and Robbins
 2. Confirm Mayor Lane's recommendation to dissolve the Council Subcommittee on Water Issues.
- Staff Contact(s):** J.P. Twist, Mayor's Chief of Staff, 480-312-7806, jptwist@scottsdaleaz.gov
- 23. November 5, 2013 Special General Obligation Bond Election**
- (Item No. 23 was moved to the Regular Agenda after Item No. 24.)

MOTION AND VOTE - CONSENT AGENDA

Vice Mayor Klapp moved to approve Consent Items 1 through 22, absent Item 12. Councilman Robbins seconded the motion, which carried 7/0.

REGULAR AGENDA

- 24. Neighborhood Street Vendors (Ice Cream Trucks) Code Amendment**
Request: Adopt **Ordinance No. 4012** adding Article 21, Neighborhood Street Vendors, to Chapter 16 of the Scottsdale Revised Code; and permitting Article 21 of Chapter 16 to be referred to informally as "Leo's Law." This item was added to the agenda at the request of Mayor Lane, Vice Mayor Klapp, and Councilmembers Korte and Robbins.
Presenter(s): J.P. Twist, Mayor's Chief of Staff
Staff Contact(s): J.P. Twist, Mayor's Chief of Staff, 480-312-7806, jptwist@scottsdaleaz.gov

Mayor's Chief of Staff J.P. Twist gave a PowerPoint presentation (attached) outlining the proposed neighborhood street vendors (ice cream trucks) code amendment.

Leo Blavin, Leo's Ice Cream, commented on his experiences as a street vendor and his efforts to legalize mobile street vending in Scottsdale.

Mayor Lane opened public testimony.

The following individuals spoke in support of the neighborhood street vendors (ice cream trucks) code amendment:

- Kathy Kirsch, Phoenix resident
- Phyllis Waze, Scottsdale citizen
- Jeff Swenson, Scottsdale citizen
- Craig Beytebiere, Scottsdale citizen
- Yvette Ansel, Scottsdale citizen
- Rick Kidder, Scottsdale Chamber
- Paul Blavin, Scottsdale citizen
- Gary Ansel, Scottsdale citizen
- Sydney Kirsch, Leo's Ice Cream, Phoenix resident
- Randy Kirsch, Phoenix resident
- Jon Kirsch, Scottsdale citizen
- Ken Grove, Scottsdale citizen
- Hillary George, Scottsdale citizen
- Julie Alpert, Scottsdale citizen

The following individuals spoke in opposition to the neighborhood street vendors (ice cream trucks) code amendment:

- James Ekins, Scottsdale citizen
- Mary Harden, Scottsdale citizen

Mayor Lane closed public testimony.

Discussion:

- A Councilmember believes the proposed ordinance is too restrictive, may not hold up under the Arizona Constitution, and could create a situation where applicants challenge the City with lawsuits.
- A Councilmember opined that if the proposed ordinance is adopted, the City will be liable in the event children are injured or preyed upon in situations relating to ice cream vendors.

MOTION - ITEM 24

Councilman Robbins moved to adopt Ordinance No. 4012 adding Article 21, Neighborhood Street Vendors, to Chapter 16 of the Scottsdale Revised Code; and permitting Article 21 of Chapter 16 to be referred to informally as "Leo's Law." Vice Mayor Klapp seconded the motion.

Discussion:

- Councilmembers commented on the positive aspects of ice cream vendors on neighborhoods and the educational experiences gained by young people involved in running their own businesses.
- A Councilmember opined that the change in the law is dangerous because it will encourage crime. He believes the ordinance will primarily affect southern neighborhoods and will not affect the City's northern areas or neighborhoods with HOA restrictions against vendors.

VOTE ON MOTION - ITEM 24

The Council vote on the motion to adopt Ordinance No. 4012 adding Article 21, Neighborhood Street Vendors, to Chapter 16 of the Scottsdale Revised Code; and permitting Article 21 of Chapter 16 to be referred to informally as "Leo's Law" carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

23. November 5, 2013 Special General Obligation Bond Election

Request:

Adopt **Resolution No. 9348** to:

1. Order and call a special election for Tuesday, November 5, 2013, to submit to the qualified electors of the City the questions authorizing the issuance and sale of \$212,100,000 principal amount of General Obligation bonds; and
2. Approve the ballot language, which provides for each project's name and cost to be listed in the ballot question and restricts the use of the bond proceeds to only those projects and amounts listed.

OR

- A. Approve Alternate A ballot language, which provides for each project's name and cost to be listed in the ballot question and adds language that allows no more than ten percent (10%) of the total of the bond question amount to be reallocated among only the approved projects within the question.

OR

- B. Approve Alternate B ballot language, which provides for each project's name to be listed in the ballot question and restricts the use of the bond proceeds only to the projects listed within the question.

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

Acting Public Works Executive Director Derek Earle gave a PowerPoint presentation (attached) outlining the proposed Special General Obligation Bond Election ballot language options. Mr. Earle explained that the proposed resolution contains the ballot language that was directed by Council. Two alternate ballot language options proposed by individual Councilmembers also were included in the agenda packets.

Alternate A lists each project's name and cost within the ballot question and adds language limiting the amount that can be reallocated among those projects to ten percent of the total bond question. Alternate B lists the project names within the ballot question and restricts the use of the bond's proceeds to those specific projects.

Discussion:

- A Councilmember asked why Alternates A and B, which are less restrictive options, were provided when Council direction was to use the language that restricts the use of bond proceeds to projects and amounts listed. Mr. Earle explained that staff received a request from Council to bring forward alternate language.
- A Councilmember said the options offer latitude on dispersal of the funds within a question.

Mayor Lane opened public testimony.

The following individuals spoke in support of the Special General Obligation Bond Election:

- Copper Phillips, Scottsdale citizen
- Tim Bray, Scottsdale citizen

The following individuals spoke in opposition of the Special General Obligation Bond Election:

- Mark Stuart, Scottsdale citizen
- John Washington, Scottsdale citizen

Mayor Lane closed public testimony.

MOTION NO. 1 - ITEM 23

Mayor Lane moved to adopt Resolution No. 9348 to:

1. Order and call a special election for Tuesday, November 5, 2013, to submit to the qualified electors of the City the questions authorizing the issuance and sale of \$212,100,000 principal amount of General Obligation bonds; and
2. Approve Alternate A ballot language, which provides for each project's name and cost to be listed in the ballot question and adds language that allows no more than ten percent (10%) of the total of the bond question amount to be reallocated among only the approved projects within the question.

The motion died for lack of a second.

Discussion:

- A Councilmember sought a response to a public comment made by Mr. Mark Stuart regarding a 2006 bond counsel opinion. Scott Ruby, Gust Rosenfeld L.P.C., was not familiar with the 2006 bond counsel opinion, but was prepared to speak about bond counsel opinions in general. He explained that bond counsel opinions are offered to the market in a fairly standard format because the market expects to see a bond opinion in a certain form. The form of the bond opinion is that of an unqualified opinion, which means it would be unreasonable for a court to hold to the contrary of the bond counsel's opinions. Opinions generally are that bonds are duly and validly issued, they are enforceable in accordance with their terms, and that the interest paid on the bonds will be tax exempt at both the State and Federal levels.

MOTION NO. 2 - ITEM 23

Councilmember Korte moved to adopt Resolution No. 9348 to:

1. Order and call a special election for Tuesday, November 5, 2013, to submit to the qualified electors of the City the questions authorizing the issuance and sale of \$212,100,000 principal amount of General Obligation bonds; and
2. Approve Alternate B ballot language, which provides for each project's name to be listed in the ballot question and restricts the use of the bond proceeds only to the projects listed within the question.

Vice Mayor Klapp seconded the motion.

Discussion:

- A Councilmember believes Alternate B offers more clarity because it requires a listing of individual projects under each question.
- Support was expressed for placing only the eight must have projects on the ballot.

ALTERNATE MOTION - ITEM 23

Councilmember Phillips made an alternate motion to continue the November 5, 2013 Special General Obligation Bond Election discussion until staff can come back with different strategies. Councilman Littlefield seconded the motion.

Discussion:

- A Councilmember expressed support for presenting each project with a dollar amount, even though the exact cost of each project cannot be determined before going out to bid.
- A Councilmember argued in support of listing the projects as individual line items.

MOTION TO CALL FOR THE QUESTION ON ALTERNATE MOTION - ITEM 23

Vice Mayor Klapp moved to call the question. Councilwoman Milhaven seconded the motion, which carried 7/0.

VOTE ON ALTERNATE MOTION - ITEM 23

The Council vote on the alternate motion to continue the November 5, 2013 Special General Obligation Bond Election discussion until staff can come back with different strategies failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

VOTE ON MOTION NO. 2 - ITEM 23

The Council vote on the motion to adopt Resolution No. 9348 to:

1. Order and call a special election for Tuesday, November 5, 2013, to submit to the qualified electors of the City the questions authorizing the issuance and sale of \$212,100,000 principal amount of General Obligation bonds; and
2. Approve Alternate B ballot language, which provides for each project's name to be listed in the ballot question and restricts the use of the bond proceeds only to the projects listed within the question carried 4/3, with Mayor Lane and Councilmembers Littlefield and Phillips dissenting.

25. Las Aguas Rezoning (8-ZN-2012)

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 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

Senior Planner Kim Chafin gave a PowerPoint presentation (attached) on the Las Aguas rezoning request.

John Berry, applicant representative, acknowledged that there are challenges to revitalizing the site along McDowell Road based on the location of residential properties. The Las Aguas rezoning is a down-zoning with double the required open space. It will provide a buffer to existing homes and bring reinvestment to the McDowell Road Corridor. The applicant's request is compatible with the Southern Scottsdale Character Area Plan and will encourage revitalization for southern Scottsdale.

Mayor Lane opened public testimony.

The following individuals spoke in support of the Las Aguas Rezoning (8-ZN-2012):

- Catherine Gardiola, Scottsdale citizen
- Nancy Cantor, Scottsdale citizen
- Robert Laroche, Scottsdale citizen

The following individuals spoke in opposition to the Las Aguas Rezoning (8-ZN-2012):

- Kelly Vaughan, Scottsdale citizen
- Sonya Edmond, Scottsdale citizen
- Lisa Sampson, Scottsdale citizen
- Mia Orlandi, Scottsdale citizen
- Jane Burnnett, Scottsdale citizen
- Cecile Rosales, Scottsdale citizen
- Janice Duhamel, Scottsdale citizen
- John Washington, Scottsdale citizen
- Terry Zajac, Scottsdale citizen
- Andrew Dell, Scottsdale citizen
- Mark Penna, Scottsdale citizen

Mayor Lane closed public testimony.

In response to public comment, Mr. Berry pointed out that the request is compatible with the Southern Scottsdale Character Area Plan, which was a citizen-driven two-year plan. He feels this is an opportunity to jump start the McDowell Road Corridor.

MOTION AND VOTE - ITEM 25

Councilman Littlefield moved to continue the Las Aguas rezoning request to May 7. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

Discussion:

- Councilmembers commented on the vision for the McDowell Road Corridor, which includes apartments and other mixed uses.
- A Councilmember said discussions with neighbors revealed a significant amount of miscommunication that has been circulated throughout the neighborhood.
- A Councilmember opined that it is important to provide a variety of housing options that will support a live/work/play environment along the McDowell Road Corridor.
- A Councilmember pointed out that thirteen of the seventeen neighbors directly affected by the proposed rezoning have expressed support for the project.

SECOND MOTION AND VOTE - ITEM 25

Councilman Robbins moved to adopt Resolution No. 9251 declaring "Las Aguas Development Plan Public Record" as a public record and 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 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. Vice Mayor Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

26. Blue Sky Rezoning and Infill Incentive District (65-ZN-1992#7A and 2-II-2010#2)

(Item No. 26 withdrawn by applicant.)

27. Proposed Fiscal Year 2013/14 Operating Budget and Capital Improvement Plan

Request: Presentation, discussion, and possible Council direction to staff regarding the Proposed FY 2013/14 Operating Budget and Capital Improvement Plan.

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

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

dasmith@scottsdaleaz.gov;

Daniel Worth, Acting City Manager, 480-312-2811, dworth@scottsdaleaz.gov

MOTION AND VOTE - ITEM 27

Councilman Robbins moved to continue the Proposed Fiscal Year 2013/14 Operating Budget and Capital Improvement Plan presentation to April 16. Vice Mayor Klapp seconded the motion, which carried 7/0.

28. Pedicab Code Amendment

Request: Adopt **Ordinance No. 4068** adding Article IX, Sections 17-339 through 17-360 to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code, for the regulation of pedicabs.

Presenter(s): John Cocca, Assistant Chief

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

Assistant Chief John Cocca gave a PowerPoint presentation (attached) on the proposed pedicab code amendment request.

Mayor Lane opened public testimony.

The following individuals spoke in support of the pedicab code amendment:

- Tristan Manos, Providence Pedicab business owner
- Jason Holt, Ecocab LLC business owner
- Robbie Henderson, Scottsdale citizen
- Copper Phillips, Scottsdale citizen
- Jay Ewing, Big Papa Human Power Transportation business owner
- Terry Gruver, Transportation Commission Chair

Mayor Lane closed public testimony.

MOTION - ITEM 28

Councilman Littlefield moved to adopt Ordinance No. 4068 adding Article IX, Sections 17-339 through 17-360 to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code, for the regulation of pedicabs. Councilmember Korte seconded the motion.

Discussion:

- A Councilmember asked whether a pedicab's braking system is adequate. Assistant Chief Cocca clarified that a pedicab is either a three-wheeled bicycle or a bicycle with a trailer. He explained that their braking systems are similar to that of a boat or a horse trailer. For example, some trailers have a secondary braking system attached that is dependent on the weight of the boat. The operator will be responsible for ensuring that the braking system is adequate based on the size of the trailer that is being pulled.
- A Councilmember noted that the proposed ordinance contains elements that address safety measures, including requirements for reflectors and restricting pedicabs to streets with lower speed limits.

VOTE ON MOTION - ITEM 28

The Council vote on the motion to adopt Ordinance No. 4068 adding Article IX, Sections 17-339 through 17-360 to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code, for the regulation of pedicabs carried 7/0.

29. Residences at Scottsdale Quarter, Block K (12-ZN-2012)

Requests:

1. Adopt **Resolution No. 9354** declaring "Development Plan for Residences at Scottsdale Quarter" as a public record.
2. Adopt **Ordinance No. 4075** approving the zoning map amendment and Development Plan, including amended development standards for building height up to 90 feet; finding that the Planned Regional Center (PRC) 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 site with Planned Regional Center (PRC) zoning.

Location: Southwest corner of Greenway-Hayden Loop and N. 73rd Street

Presenter(s): Bryan Cluff, Planner

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

MOTION AND VOTE - ITEM 29

Vice Mayor Klapp moved to hear Item 29, Residences at Scottsdale Quarter. Councilman Robbins seconded the motion, which carried 7/0.

Planner Bryan Cluff gave a PowerPoint presentation (attached) on the Residences at Scottsdale Quarter zoning request.

Mayor Lane opened public testimony.

The following individuals spoke in opposition to the Residences at Scottsdale Quarter zoning request:

- Copper Phillips, Scottsdale citizen
- John Washington, Scottsdale citizen

Mayor Lane closed public testimony.

Paul Gilbert, applicant representative, acknowledged that the project is near the airport, adding that it is in the AC-1 compatibility zone, which is the least affected by the airport. The applicant will comply with all the requirements of AC-1. Traffic will not increase because the plan is not increasing the number of units.

Discussion:

- Mr. Gilbert explained that the Prop 207 waiver was received by his office yesterday and requires the signature of the property owner, not the applicant. He assured the Council that the property owner will sign the document.
- City Attorney Bruce Washburn opined that a stipulation requiring a signed Prop 207 waiver would not be enforceable. Mr. Washburn confirmed that if the property owner signs the waiver after the application is granted the waiver will be in effect. It is permissible to obtain a waiver after the fact, but it is not an appropriate stipulation as a condition of granting the applicant's request.

- Some Councilmembers argued that the application should not be approved without the waiver being signed.
- Senior Planner Tim Curtis explained that the delivery of the waiver was delayed because of confusion over who needed to sign it.
- Mr. Washburn said it was his understanding that the waiver was presented to the property owner but the property owner declined to sign it. Mr. Washburn suggested that the Council could pass the ordinance and, if the waiver was not signed before the ordinance takes effect in 30 days, Council could rescind its approval of the applicant's request.
- Mr. Gilbert reported that Mr. Glimpser, the property owner, has been very responsive to prior requests for Prop 207 waivers and expressed confidence that he can get the waiver signed in a timely manner.

MOTION AND VOTE - ITEM 29

Councilman Littlefield moved to continue the Residences at Scottsdale Quarter case until May 7. Councilmember Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

SECOND MOTION AND VOTE - ITEM 29

Mayor Lane moved to adopt Resolution No. 9354 declaring "Development Plan for Residences at Scottsdale Quarter" as a public record and adopt Ordinance No. 4075 approving the zoning map amendment and Development Plan, including amended development standards for building height up to 90 feet; finding that the Planned Regional Center (PRC) 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 site with Planned Regional Center (PRC) zoning. Vice Mayor Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

Public Comment

- John Washington submitted a citizen's petition (attached) asking the Council to challenge the Water Department's justification for anything but reductions in both water and sewer rates; demand that the proposed rate increase be withdrawn; and ask for full disclosure of their cost reduction program and their annual goals and progress to date, if such a plan exists.

CITIZEN PETITIONS

30. Receipt of Citizen Petitions

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

MOTION AND VOTE – JOHN WASHINGTON PETITION

Councilman Littlefield moved to agendaize the citizen petition submitted by John Washington asking the Council to challenge the Water Department's justification for anything but reductions in both water and sewer rates; demand that the proposed rate increase be withdrawn; and ask for full disclosure of their cost reduction program and their annual goals and progress to date, if such a plan exists. Councilmember Phillips seconded the motion, which failed 5/2, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

MOTION AND VOTE - ED YANKOWSKI PETITION

Councilmember Phillips moved to agendaize the citizen petition submitted by Ed Yankowski seeking consideration of the Acting City Manager's determination that Blue Sky had complied with its conditional zoning stipulation. Councilman Littlefield seconded the motion, which carried 4/3, with Vice Mayor Klapp and Councilmembers Korte and Milhaven dissenting.

MAYOR AND COUNCIL ITEMS - None

ADJOURNMENT

With no further business to discuss, the Regular Meeting adjourned at 10:42 P.M.

SUBMITTED BY:



**Carolyn Jagger
City Clerk**

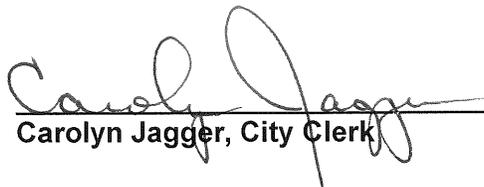
Officially approved by the City Council on May 7, 2013

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 9th day of April 2013.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 7th day of May 2013.



Carolyn Jagger, City Clerk

Neighborhood Street Vendor Ordinance ("Leo's Law")

Introduction of Ordinance

City Council Regular Meeting
April 9, 2013

Neighborhood Street Vendor Ordinance

- History
- Present Day
- Current Efforts
- Ordinance Draft



Neighborhood Street Vendor Ordinance

History-

- Banned during the late 70's
- Illegal activity by vendors
- Existing Ordinance 16-352

Neighborhood Street Vendor Ordinance

- **Sec. 16-352. - Street sales.**

No person, except as otherwise provided in section 16-354 and except any person who sells goods, wares or merchandise on adjacent private property who conducts a sidewalk sale for not more than five (5) days duration and not more frequently than twice in a single calendar year, shall on any street offer for sale, solicit the sale of, announce by any means the availability of, or have in his possession, control or custody, whether upon his person or upon some other animate or inanimate object, any goods, wares or merchandise which the public may purchase at any time.

Neighborhood Street Vendor Ordinance

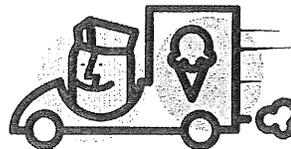
Present day-

- Some street vending does occur
- Inconsistent enforcement
- Requests to do street vending
 - Leo Blavin – “Leo’s Ice Cream”

Neighborhood Street Vendor Ordinance

Current Efforts-

- Staff discussions
 - Transportation
 - Tax and License
 - City Attorney’s Office
 - Neighborhoods



Neighborhood Street Vendor Ordinance

Public Outreach

- Transportation Commission
- Neighborhood Advisory Commission
- Two public meetings:
 - *Via Linda Senior Center*
 - *Granite Reef Senior Center*
- Scottsdale Parent Council
- Neighborhood Advisory Commission

Ordinance Draft

Neighborhood Street Vendor Ordinance

- Ordinance highlights -
 - ✓ Must be licensed - (One year only)
 - ✓ Comply will all County Health Codes
 - ✓ Noise restrictions
 - ✓ Background checks
 - ✓ Proof of valid Driver's License
 - ✓ City issued ID cards
 - ✓ Residential streets only
 - ✓ No "on-site" preparation (application of heat)
 - ✓ Motorized vehicles only

Neighborhood Street Vendor Ordinance

- Ordinance highlights -
 - ✓ Not within 600' of a school
 - ✓ Insurance requirements
 - ✓ "Watch for Children" signage
 - ✓ Wide angle mirrors
 - ✓ Vendor license number displayed on vehicle along with Tax & License phone number
 - ✓ Hazard lights must be on when vehicle is conducting sales
 - ✓ Drivers cellular phone on file

Neighborhood Street Vendor Ordinance

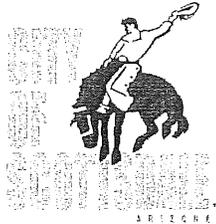
- UPDATES -After Public Outreach
 - ✓ 30 minute limit + 48 hour restriction
 - ✓ Hours of Operation - 10:00AM - Sunset
 - ✓ Background check to include license denial for conviction of "Theft"
 - ✓ Trash receptacles
 - ✓ License fee - \$250
 - ✓ No children allowed in vehicle
 - ✓ Route registration

Neighborhood Street Vendor Ordinance

Questions???

J.P. Twist- Mayor's Office - 480-312-7806
Jack Shafer - Assistant City Attorney - 480-312-7302

General Obligation Bond Election



Bond Program and Call for Election

City Council

April 9, 2013

Results of March 19th Meeting

- Bond Task Force recommendations modified
- Removed 6 projects (2 each) from Questions 2, 3 and 4
- Reduced program by \$27,800,000
- Remaining 39 projects:
 - 29 projects ranked “must be included” by BTF
 - 10 projects ranked “should be included” by BTF



Proposed Program

Question 1: Parks, Libraries & Community Facilities	\$ 50,400,000
Question 2: Public Safety and Courts	\$ 43,700,000
Question 3: Neighborhood Flood Control	\$ 19,000,000
Question 4: Transportation and Streets	\$ 99,000,000
Total proposed program:	\$212,100,000

3



Resolution 9348

- Calls the election and establishes procedures for conducting the election.
- Establishes the specific ballot language:
 - Establishes parameters of bond issuances (i.e. term of bonds, maximum interest rate, denomination, etc.)
 - Delineates the actual ballot language
- Provides for publication of publicity pamphlet:
 - Factual information concerning program
 - Opinions of individuals or organizations
 - Council approved statement of support (if desired)

4



Proposed Ballot Language

Exhibit A to Resolution

- Provides for each project's name and cost to be listed in the ballot question.
- Will restrict the use of the bond proceeds only to the projects listed – new projects cannot be added.
- Will restrict the amount of bond proceeds that can be used for each of the projects to the amount indicated.

Note: Other funding sources may be added to projects if necessary and with Council's approval such as Transportation Funding, Grants, etc.

5



Questions/Discussion



Supplemental Slides



Question 1

Parks, Libraries and Community Facilities

\$50,400,000 / 10 Projects

1. Integrated Financial, Human Resources and Purchasing System: \$4.5M
2. Pinnacle Peak Park Improvements: \$ 3.8M
3. Vista del Camino Park/Indian Bend Wash Renovation: \$8.3M
4. Aquatics Chemical System Replacement: \$3.1M
5. Expansion of Via Linda & Granite Reef Senior Centers: \$7.1M
6. Ballfield Lighting System Replacement Phase I: \$2.4M
7. Civic Center Library Improvements Phase II: \$4.7M
8. Civic Center West Entry Improvements: \$4.6M
9. Paiute Community Center Renovations: \$7.6M
10. Scottsdale Center for the Performing Arts Renovations Phase III: \$4.3M

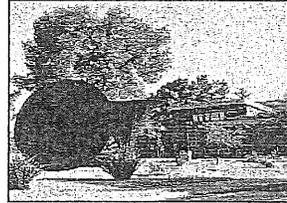


Question 2

Public Safety and Courts

\$43,700,000 / 10 Projects

1. Radio System Upgrade: \$5.8M
2. Police Civic Center Jail Consolidation: \$4.4M
3. Electronic Storage Replacement: \$1.1M
4. Bring Existing Fire Stations to Compliance Standards: \$3.5M
5. Police Civic Center Station Expansion: \$3.9M
- ~~6. Court Remodel/Expansion: \$4.5M~~
7. Desert Foothills Fire Station 613: \$3.5M
8. Fire Training Facility Expansion: \$3.4M
9. Public Safety Via Linda Facility Expansion: \$12.5M
10. Desert Mountain Fire Station 616: \$4.6M
11. Purchase Land for Fire Station 612: \$1.0M
- ~~12. Purchase Land for North Police Facility: \$4.5M~~



Fire Station 1 - Bond 2000
Potential LEED Gold/Platinum Certified

9

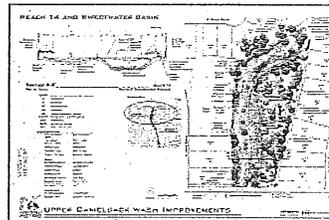


Question 3

Neighborhood Flood Control

\$19,000,000 / 5 Projects

1. Granite Reef Watershed: \$3.5M
2. Neighborhood Stormwater: \$1.5M
3. Loop 101 Detention Basin: \$6.3M
4. Loop 101 Detention Basin Outfall: \$5.0M
5. Indian Bend Road/Lincoln Drive Flood Hazard Mitigation: \$2.7M
- ~~6. East Union Hills Interceptor Channel: \$3.3M~~
- ~~7. Powerline Interceptor Channel: \$5.6M~~



10



Question 4

Transportation and Streets

\$99,000,000 / 14 projects

1. Traffic Signal Controller Cabinet Upgrade & Replacement: \$9.8M
2. Bridge Safety Upgrades and Rehabilitation Project: \$1.5M
3. Northeast Downtown Public Parking Structure: \$8.0M
4. Accessible Curb Ramps – ADA compliance: \$2.0M
5. Hayden Road Intersections at Chaparral and Camelback Roads: \$5.5M
6. Pima Freeway (SR 101L) Signalized Intersection Upgrades: \$2.5M
7. Downtown Pedestrian Improvements: \$4.0M
8. Expired/Quiet Pavement Replacement: \$15.4M
9. Advance Funding for Loop 101 Access Improvements: \$11.0M
10. Airpark Roadway Circulation Phase II: \$13.3M
11. Indian Bend / West World Trail and Path Connections: \$6.9M
12. Scottsdale Road Utility Relocation and Streetscape: \$14.0M
13. Street Operations Maintenance Building: \$1.1M
14. Citywide Trails Implementation: \$4.0M
15. Chaparral Road Streetscape Improvements: \$4.9M
16. Thompson Peak Parkway Bridge: \$5.0M

11



Proposed Ballot Language

Exhibit A to Resolution (Alternate A)

- Provides for each project's name and cost to be listed in the ballot question.
- Would restrict the use of the bond proceeds only to the projects listed – new projects could not be added to the program.
- Adds language that allows no more than 10% of the total of the bond question amount to be reallocated among only the approved projects within a question – this would essentially be a “lifetime” limit on each question.
- Once the 10% limit amount has been reallocated among one or more of the approved projects within the question (only by specific Council action), no further reallocation may be made.

12

Proposed Ballot Language

Exhibit A to Resolution (Alternate B)

- Provides for each project's name to be listed in the ballot question.
- Would restrict the use of the bond proceeds only to the projects listed – new projects could not be added to the program.
- Would allow the reallocation of bond proceeds among only the projects within the question.
- Total reallocation of bond proceeds among approved projects would be limited to the total amount of the question.



Las Aguas

8-ZN-2012

City Council

April 9, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

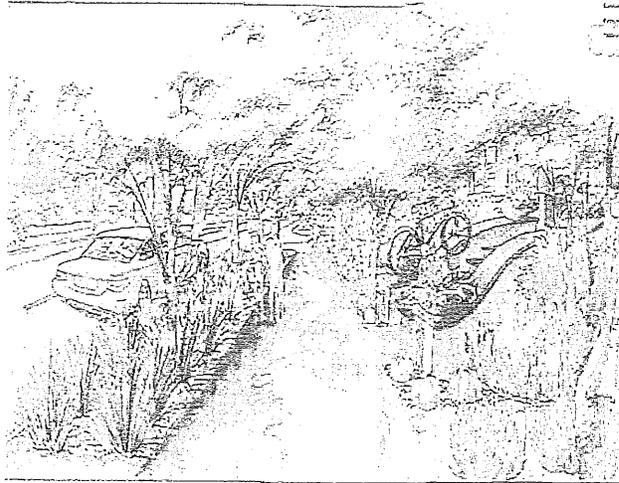
Las Aguas



CONTEXT AERIAL

8-ZN-2012

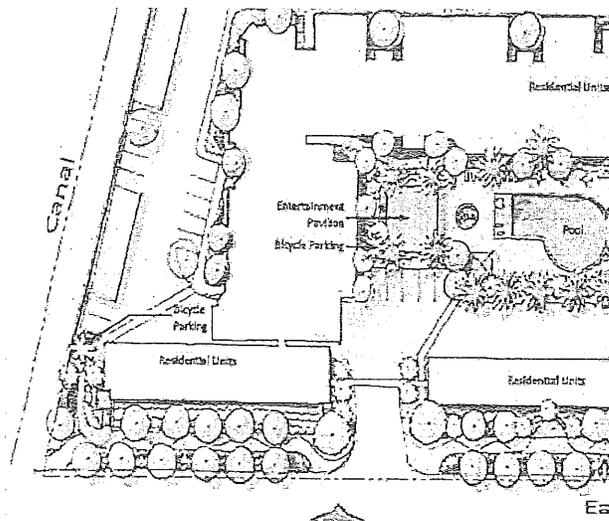
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

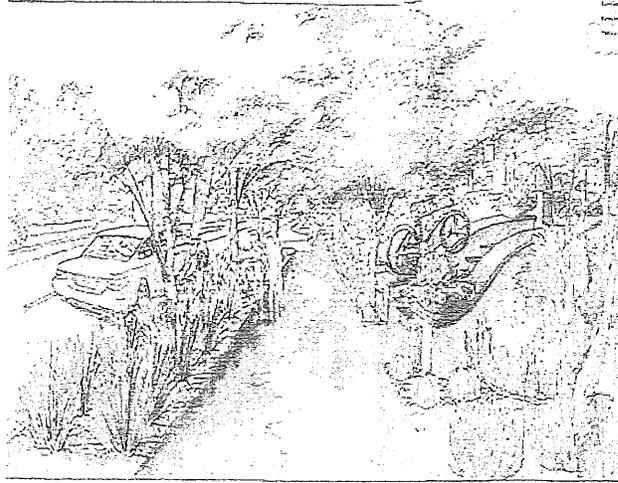
Las Aguas



Enhanced Pedestrian Connections

8-ZN-2012

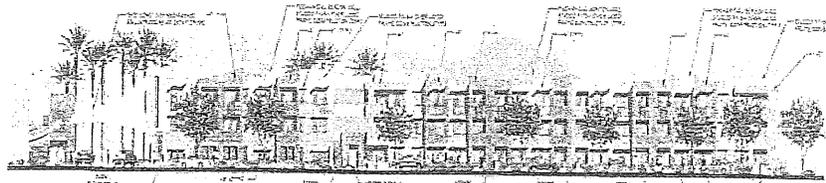
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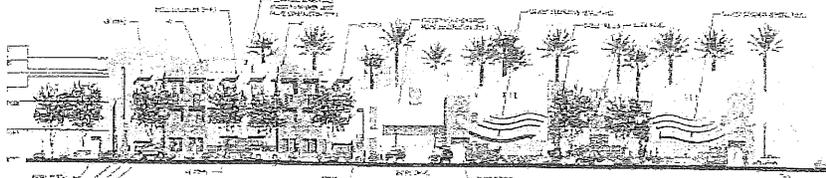
Streetscape Perspective
N.T.S.

8-ZN-2012

Las Aguas



Enlarged McDowell Road Elevation (East of Main Entry Drive)

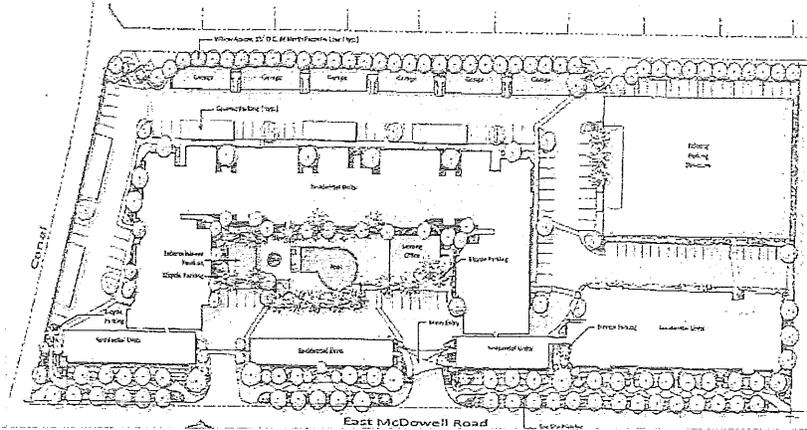


Enlarged McDowell Road Elevation (West of Main Entry Drive)

McDowell Road Building Elevations

8-ZN-2012

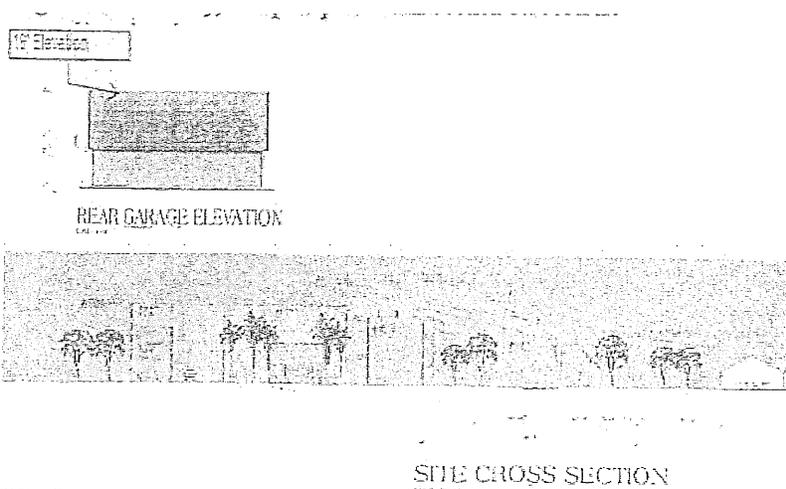
Las Aguas



SITE/LANDSCAPE PLAN

8-ZN-2012

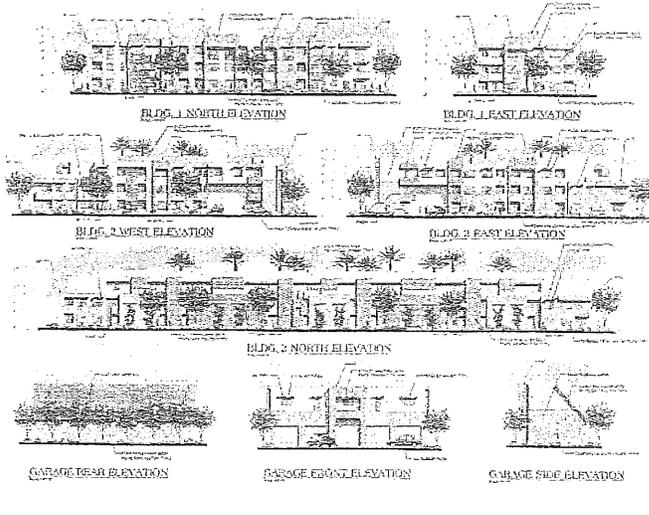
Las Aguas



Site Cross-Section

8-ZN-2012

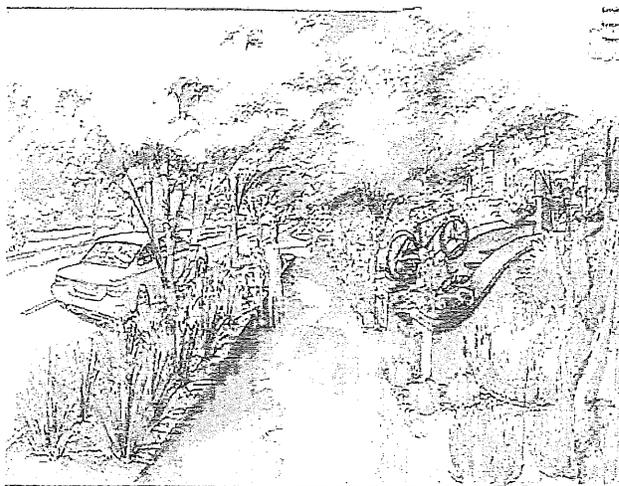
Las Aguas



Building Elevations

8-ZN-2012

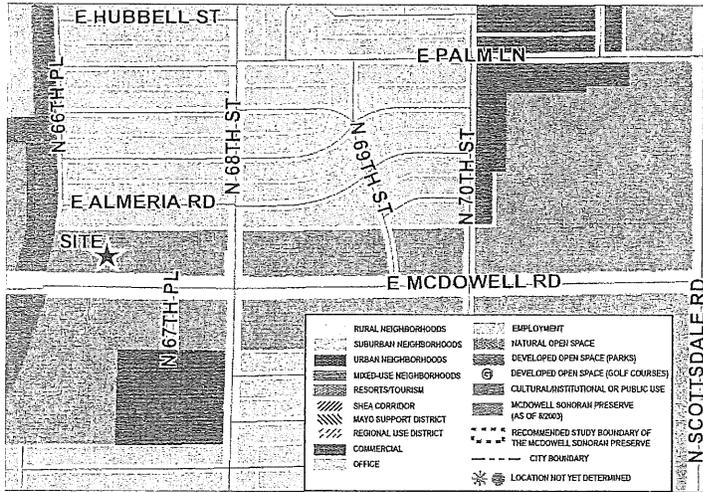
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

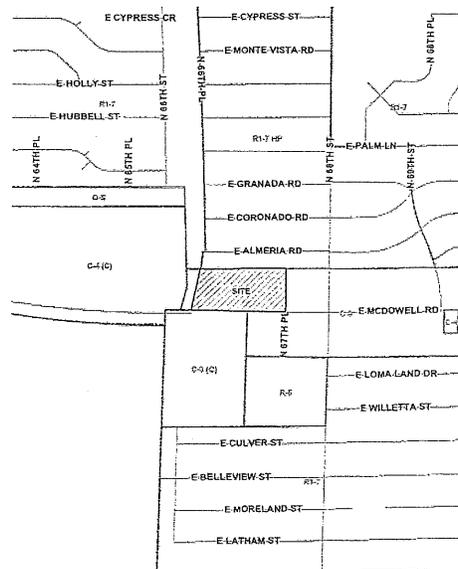
Las Aguas



LAND USE

8-ZN-2012

Las Aguas



ZONING MAP

8-ZN-2012

Item 28

Presentation of:

Pedicab Ordinance

City of Scottsdale
City Council Meeting
April 9, 2013

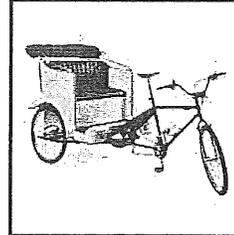
Pedicab Ordinance

- Definition
- Background
- Current Scottsdale Experience
- Key Ordinance Elements
- Outreach



Pedicab Ordinance

Definition:
a Pedicab is:



- Pedal-Powered
- Environmentally friendly
- Transports passengers for a fare or tips
- Alternative to taxis and other modes
- Operates mostly in congested/downtown areas

Pedicab Ordinance

Current Scottsdale Experience

- Primarily Downtown
- Weekend evenings all year in Entertainment District
- Spring Training
- Festivals/Events
- Tips only
- No regulation other than current traffic laws in ARS

Pedicab Ordinance

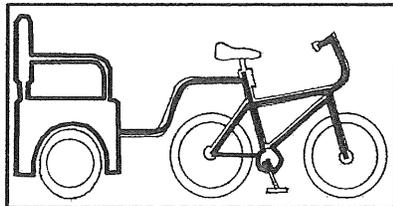
Key Elements of Scottsdale Ordinance

- Definition
- Equipment /safety requirements
- Operator requirements
- Where they can operate

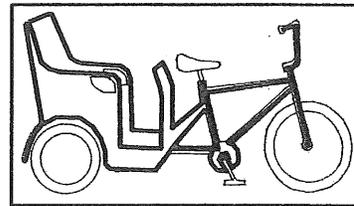
Pedicab Ordinance

Definition:

Bike with Trailer:



3-Wheeled:



- Operator & seat for at least two passengers
- Transports passengers for hire (fare or tips)

Pedicab Ordinance

Equipment/Safety:

- Size (length/width) 12' long x 54" wide
- Reflectors front/rear & spokes
- Lamps front/rear
- 2" DOT "Conspicuity" reflective strip at rear
- Mirror
- Brakes
- Condition of: upholstery/wood/rust

Pedicab Ordinance

Operation:

- Number of passengers – "one per seat"
- No more than one trailer
- Not permitted on streets posted 35 mph or greater unless with designated bike lane
- Parking
- Fares
- Drivers License
- Insurance (1 million / 2 million annual aggregate)
- Penalties

Pedicab Ordinance

Outreach Efforts:

COS Webpage www.ScottsdaleAZ.gov/codes/pedicab

- Link to Ordinance
- Link to e-mail
- Phone number

Open House February 27, 2013 (well attended)

Media

- AZ Central
- Local TV News

Pedicab Ordinance

Outreach results:

- Removed - Reflective Vest Requirement
- Removed - Secondary Braking System Requirement
- Clarified Lamp Usage
- Included Fare Section and Noise Provision
- Significant discussion on AZDL requirement-- including at Transportation Commission

Pedicab Ordinance

Next Steps

- If Passed, Effective in 30 Days
- Education Period by PD (serious violations may be cited)

Pedicab Ordinance

Questions?



Residences at Scottsdale Quarter

12-ZN-2012

City Council

Date: April 9, 2013

Coordinator: Bryan Cluff

Residences at Scottsdale Quarter

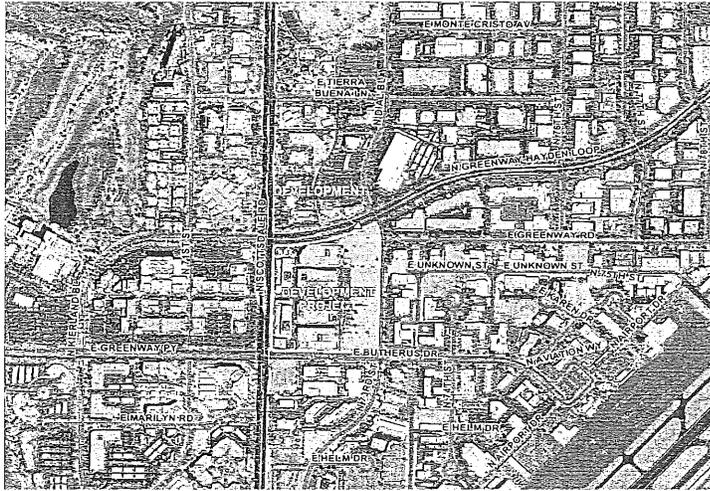
The applicant is requesting amended development standards for building height up to 90 feet.

Pursuant to Section 5.2604.I, after recommendation from the Development Review Board and Planning Commission, the City Council shall make a finding on the Development Plan with regard to the amended development standards criteria.

Request

12-ZN-2012

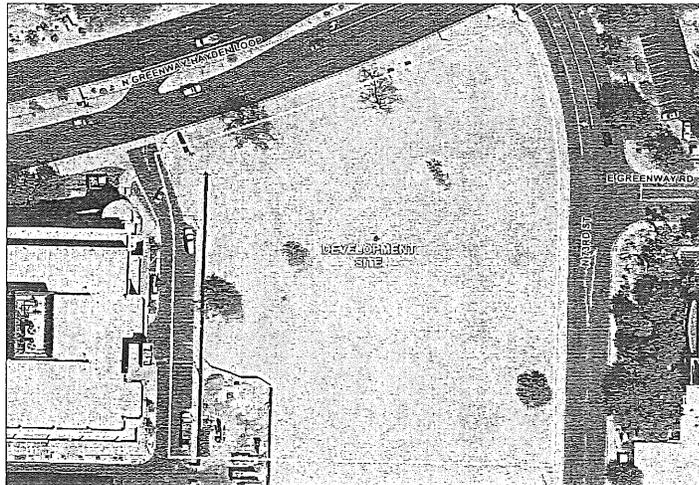
Residences at Scottsdale Quarter



CONTEXT AERIAL

12-ZN-2012

Residences at Scottsdale Quarter



CLOSE-UP AERIAL

12-ZN-2012

Residences at Scottsdale Quarter

- Height shall be inclusive of rooftop appurtenances
- FAR shall not exceed 1.0
- Vertically integrated mixed-use (5% - 20%)
- Underground parking & integration of structured parking into building architecture
- Compliance with Scottsdale's Green Building Program
- Shade study
- 5% additional open space
- Stepbacks and facade design

CRITERIA

12-ZN-2012

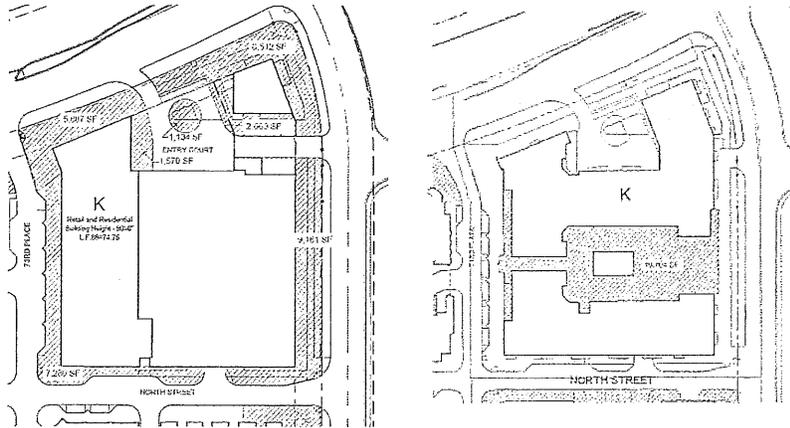
Residences at Scottsdale Quarter

Standard	Development Project (all inclusive)	Development Site
Parcel Size (net)	23.52 acres	2.85 acres
Building Size	1,229,466 square feet	293,346 square feet
Floor Area Ratio Allowed (commercial only)	0.8	0.8
<i>Floor Area Ratio Proposed (commercial only)</i>	0.8	.18
Building Height Allowed	60 feet, up to 90 w/ amend.	60 feet, up to 90 w/ amend.
<i>Building Height Proposed</i>	90 feet	90 feet
Parking Required	2,891 spaces	379 spaces
Parking Provided	3,097 spaces	402 spaces
<i>Open Space Required</i>	204,911 square feet Plus 5% (Block K) – 6,214 square feet Total: 211,125 square feet	6,214 square feet
<i>Open Space Provided</i>	255,888 square feet / 5.87 acres	57,632 square feet (46.4%)
Density Allowed	623 units	N/A
Density Provided	276 units	276 units

DEVELOPMENT INFORMATION

12-ZN-2012

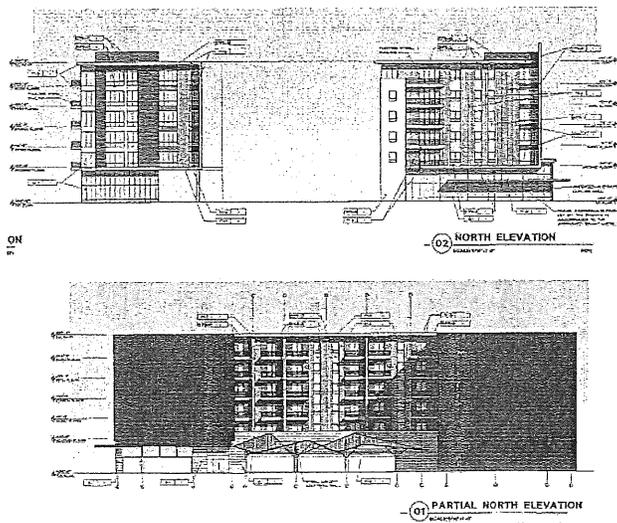
Residences at Scottsdale Quarter



SITE PLAN WORKSHEET

12-ZN-2012

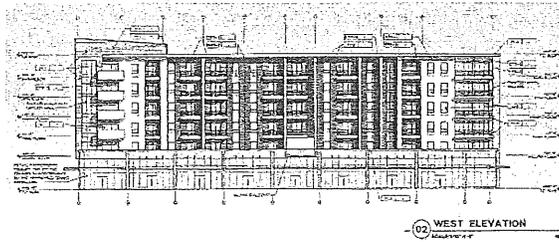
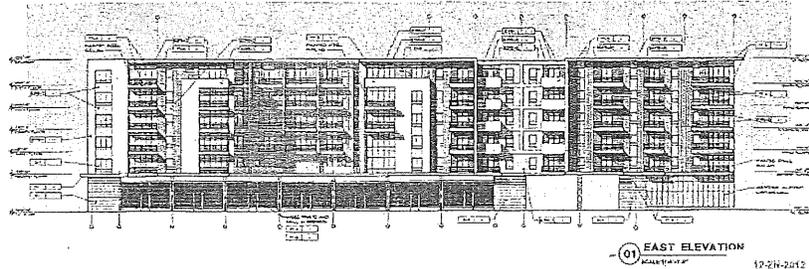
Residences at Scottsdale Quarter



BUILDING ELEVATIONS

12-ZN-2012

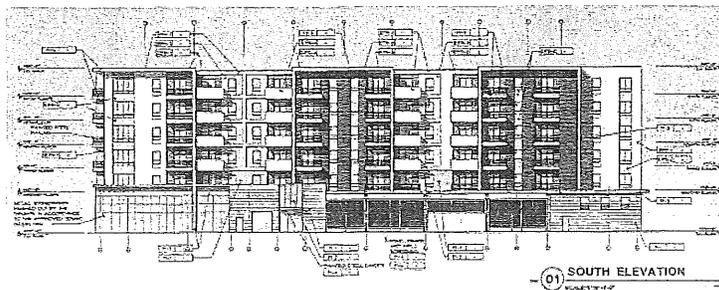
Residences at Scottsdale Quarter



BUILDING ELEVATIONS

12-ZN-2012

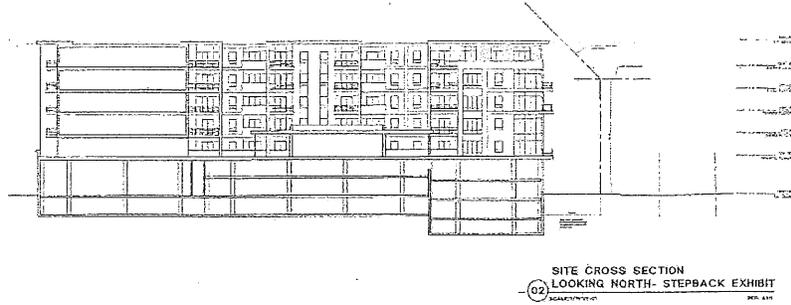
Residences at Scottsdale Quarter



BUILDING ELEVATIONS

12-ZN-2012

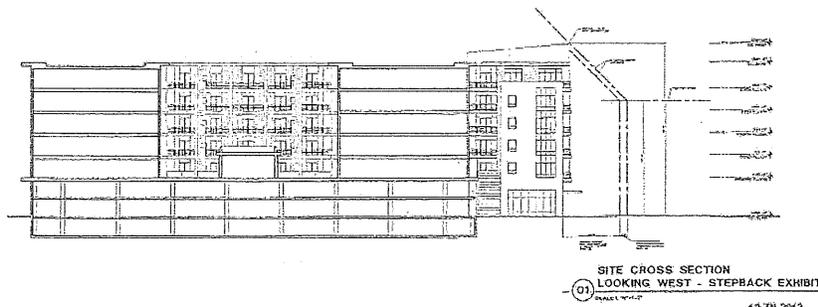
Residences at Scottsdale Quarter



SITE AND BUILDING CROSS SECTION

12-ZN-2012

Residences at Scottsdale Quarter



SITE AND BUILDING CROSS SECTION

12-ZN-2012

PETITION

ED YANKOWSKI
JOHN MCKINDEEN
SYD SAPERSTEIN
PETITION

The Honorable Mayor Jim Lane
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

Re: Petition To City Council From Safari Drive Residents

Dear Honorable Mayor Lane:

We the undersigned residents request that the City Council re-agendize consideration of the Acting City Manager's determination that BlueSky has met the stipulation in their zoning approval requiring that "on-site construction, above or below ground, excluding grading and excavation" must begin within 24 months from the date of City Council's approval in order to avoid initiating a process to revert back to the original zoning.

Last evening we met with a representative of the developer and it was confirmed that they do not have equity financing, construction loan financing, a construction contract, working architectural and engineering drawings, or a final building permit. The clear intent of the original ordinance was to have the construction work commence within two years and then continue and be completed in a timely manner. Clearly the façade they have erected on the site does not constitute actual construction but is merely an attempt to bypass their obligations to the residents of Scottsdale to begin construction in a timely manner in return for the substantial concessions this project received. Furthermore, by issuing this letter the Acting City Manager has jeopardized the City's power to ever require Gray Development to begin construction on this project.

We respectfully request that the City Council place this matter on its next available agenda.

Very Truly Yours,

Signatures on Following Page

E. G. Khalifa
7301 E. 3rd Ave # 412

(Property Owner Name) Scottsdale, AZ
(Property Owner Address) 85251

Sandra Wickman-Kush
4743 N. Scottsdale Rd # F1003

(Property Owner Name) Scottsdale, AZ
(Property Owner Address) 85251

Winfred Rich
4747 N. Scottsdale Rd # C3003

(Property Owner Name) Scottsdale, AZ
(Property Owner Address) 85251

(Property Owner Name)
(Property Owner Address)

Wendell Bush C3003

(Property Owner Address)

JOHN MCWADDEN #G-5001

(Property Owner Name)
(Property Owner Address)

Thomas P. Knudson Thomas
P. Knudson
(Property Owner Name) H4002
(Property Owner Address)

Michael McDonald E1007
(Property Owner Name)
(Property Owner Address)

Patricia C. Landy H2000
(Property Owner Name)
(Property Owner Address)

J. Breckel

FRANK DENN G4501
(Property Owner Name)
(Property Owner Address)

- cc: Councilwoman Suzanne Klapp
- Councilwoman Virginia L. Korte
- Councilman Robert W. Littlefield
- Councilwoman Linda Milhaven
- Councilman Guy Phillips
- Councilman Dennis E. Robbins

Susan Tubbs H3001

Brian C. Lee C4005

Barbara M. Linder

David E. Appalich E3003

Edmund J. ... D1013

Laird #1002

Jeff ... D1007

... D4003

April 9, 2013

The Scottsdale Water Department has for a very long time made a practice of increasing water and sewer rates to the public in lieu of "managing the business." They have simply passed all cost increases on to the public.

We made a presentation at the Public Meeting for this purpose on January 9, 2012, citing the above figures.

We challenged the management of the Water Department to begin a cost reduction program and to withdraw their proposed rate increases and stop the practice of simply passing on all cost increases to the customer. The Water Department subsequently withdrew the proposed rate increases.

In the discussion that followed, the Water Department cited certain Consumer Water Rate indices as justification for their rates. We replied that we are not interested in what other municipalities' rates are. As consumers, we are guided by the Consumer Price Index of consumer goods and services as published by the US Department of Labor Statistics.

Over the same 20 year period, 1990-2009, Scottsdale's rates VS the CPI look like this:

Scottsdale Water Rates	Consumer Price Index
+223.8%	+192.17%
Scottsdale Sewer Rates	Consumer Price Index
+307.2%	+192.17%

Factoring the changes to the CPI for the three years 2010, 2011 and 2012 to the 192.1% for the previous 20 years yields a figure of 200.9% which is still well below the Scottsdale figures, though during the economic recession water and sewer rates were not increased.

Therefore we challenge the Water Department's justification for anything but REDUCTIONS in both Water and Sewer rates.

We demand that the proposed rate increases be withdrawn.

We again ask for full disclosure of their Cost reduction program, their annual goals and progress to date (If such a plan exists).

Further, we repeat our previous suggestion that the water department might find favorable public response to a proposal to create solar power facilities to curb electric power cost increases. (They cited electric power as a large component of their cost).

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Scottsdale's Water, Sewer and Sanitation Rate Increase History

Fiscal Year Water Rate		Sewer Rate		Solid Waste Rate		
1989	Base year	100.0	Base year	100.0	Base year	100.0
1990	+4%	104.0	0%	100.0	+13.3%	113.3
1991	+5.5%	109.7	+5.5%	105.5	0%	113.3
1992	+5.5%	115.7	+5.5%	111.3	0%	113.3
1993	+8%	125.0	+9.5%	121.8	+17.2%	132.8
1994	+10%	137.5	+15%	140.2	+5%	139.3
1995	+5.5%	145.0	+10%	154.2	+4.8%	145.1
1996	+3%	149.1	+7.5%	161.1	+5.1%	153.6
1997	+3%	153.9	+7.5%	173.2	+7.2%	164.6
1998	+1.5%	155.6	+7.5%	186.2	+3.4%	170.2
1999	+1.5%	158.0	+7.5%	200.1	+3.4%	176.0
2000	+1.5%	150.0	+7.5%	215.2	+3.5%	182.1
2001	+1.5%	162.7	7.5%	231.3	+2.9%	187.4
2002	+1.5%	165.2	+3%	238.2	0%	187.4
2003	+5%	173.4	+1.5%	241.8	0%	187.4
2004	+3%	178.6	+2.5%	247.8	0%	187.4
2005	+2.5%	189.5	+3%	255.3	0%	187.4
2006	+3.5%	196.3	+4%	265.4	0%	187.4
2007	+5.5%	206.9	+6%	281.4	+2.5%	192.1
2008	+5.5%	218.3	+6%	298.3	+4%	196.9
2009	2.5%	223.8	+3%	307.2	+2%	200.8
2010	No increases in 2010 and 2011					
2011						
2012	The Proposed 3% sewer rate increase would make the new compounded figure 316.4					

The Consumer Price Index for the period from 1989 to 2008 is 192.17.
 Scottsdale's Water rates for the same period increased by 218.3
 Sewer Rates increased by 298.3
 Solid waste rates increased to 196.9

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