

SCOTTSDALE CITY COUNCIL
SPECIAL MEETING MINUTES
WEDNESDAY, NOVEMBER 12, 2014



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

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Special Meeting of the Scottsdale City Council at 5:01 P.M. on Wednesday, November 12, 2014 in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane
Vice Mayor Guy Phillips
Councilmembers Suzanne Klapp, Virginia L. Korte, Robert W. Littlefield,
and Linda Milhaven

Absent: Councilmember Dennis E. Robbins

Also Present: City Manager Fritz Behring
City Attorney Bruce Washburn
City Treasurer Jeff Nichols
City Auditor Sharron Walker
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Brownie Troop 1509, Troop Leaders Laura Jansen and Elizabeth Harris

INVOCATION – Mayor Lane requested a moment of silence.

MAYOR'S REPORT – None

PRESENTATION/INFORMATION UPDATES

- **Scottsdale Cultural Council Activities Update**
Presenter(s): Neale Perl, President and CEO

Scottsdale Cultural Council President and CEO Neale Perl gave a PowerPoint presentation (attached) on the Scottsdale Cultural Council's recent activities.

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

- Mike Aloisi commented on public safety.

MINUTES

Request: Approve the Special Meeting Minutes of October 7, 2014; Regular Meeting Minutes of October 7, 2014; and Executive Session Minutes of October 7, 2014.

MOTION AND VOTE – MINUTES

Vice Mayor Phillips made a motion to approve the Special Meeting Minutes of October 7, 2014; Regular Meeting Minutes of October 7, 2014; and Executive Session Minutes of October 7, 2014. Councilman Littlefield seconded the motion, which carried 6/0.

CONSENT AGENDA

- 1. Sorso Wine Room Liquor License (95-LL-2014)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 15323 N. Scottsdale Road, Suite 150
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 2. Papago Inn Liquor License (96-LL-2014)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 7017 E. McDowell Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 3. Living Room Wine Café & Lounge Liquor License (97-LL-2014)**
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: 20751 N. Pima Road, Suite 120
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 4. Brunswick Via Linda Lanes No. 114 Liquor License (98-LL-2014)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 6 (bar) State liquor license.
Location: 9027 E. Via Linda
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

- 5. Revival Scottsdale - Hospitality Suites Liquor License (99-LL-2014)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 11 (hotel/motel) State liquor license for an existing location with a new owner.
Location: 409 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
 - 6. Morning Squeeze Liquor License (100-LL-2014)**
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: 4233 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
 - 7. Pita Café Liquor License (101-LL-2014)**
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 previously licensed location with a new owner.
Location: 23535 N. Scottsdale Road, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
 - 8. Miller Residence Abandonment (3-AB-2013)**
Request: Adopt **Resolution No. 9732** approving the abandonment of the western 33-foot General Land Office (GLO) patent easement located along the N. 130th Way alignment and the northern 3-feet of the northern 33-foot GLO easement, along E. Gold Dust Avenue, adjacent to parcel 217-31-020F, with Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: 13030 E. Gold Dust Avenue
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
- Leon Spiro provided written comment (attached) for the public record.
- 9. Summit Vistas Abandonment (9-AB-2004#2)**
Request: Adopt **Resolution No. 9930** approving the abandonment of a 40-foot-wide right-of-way and ingress and egress easement, located along the E. Loving Tree Lane alignment, west of N. 110th Street, adjacent to parcels 219-60-912, 219-60-911, and 219-60-913, with Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: 10905, 10920, and 10935 E. Loving Tree Lane
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
 - 10. Summit Vistas Final Plat (10-PP-2008)**
Request: Approve the final plat for a 9-lot residential subdivision on 10.05± acres with Single-Family Residential, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: Southwest and southeast corners of N. Cave Creek Road and N. 110th Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

11. Permanent Extension of Premises for Livewire (16-EX-2014)

Item 11 was moved to the Regular Agenda at the request of Vice Mayor Phillips (see Page 5).

12. Livewire Outdoor Dining License Agreement

Item 12 was moved to the Regular Agenda at the request of Vice Mayor Phillips (See Page 5).

13. Raintree Drive Extension Project Engineering Services Contract

Request: Adopt **Resolution No. 9894** authorizing Engineering Services Contract No. 2014-155-COS with AECOM Technical Services, Inc., in the amount of \$1,441,382 to provide engineering services for the Raintree Drive Extension Project from Scottsdale Road to Hayden Road.

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

14. Capital Improvement and Facilities Projects On-Call Architectural Services Contracts

Request: Adopt **Resolution No. 9938** authorizing the following on-call architectural services modifications for capital improvement and facilities projects for the second year option:

1. Contract No. 2013-173-COS-A1 with Holly Street Studio Architects
2. Contract No. 2013-174-COS-A1 with Fucello Architects

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

15. Mustang Transit Improvements Project Architectural Services Contract

Request: Adopt **Resolution No. 9940** authorizing Architectural Services Contract No. 2011-098-COS-A1 with Dick and Fritsche Design Group in the amount of \$77,683 to provide additional design services for the Mustang Transit Improvements Project.

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

16. WestWorld Events Agreement

Request: Adopt **Resolution No. 9887** authorizing Contract No. 2014-147-COS with Goodguy Enterprises, Inc., to produce the Goodguys Southwest Nationals and Spring Nationals events at the WestWorld facility.

Staff Contact(s): Paul Katsenes, 480-312-2890, Tourism and Events Director, pkatsenes@scottsdaleaz.gov

17. Event Support Funding Program Agreement

Request: Adopt **Resolution No. 9947** authorizing Contract No. 2013-132-COS-A1, the first amendment to the Event Support Funding Program Agreement with Competitor Group, Inc., for the Rock 'n' Roll Marathon and Half Marathon, to postpone indefinitely the Women's half marathon and 10K events and reducing the total amount of the contract by \$49,500.

Staff Contact(s): Paul Katsenes, 480-312-2890, Tourism and Events Director, pkatsenes@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Councilwoman Klapp made a motion to approve Consent Items 1 through 17, absent Items 11 and 12, which were moved to the Regular Agenda. Councilwoman Milhaven seconded the motion, which carried 6/0.

REGULAR AGENDA

11. Permanent Extension of Premises for Livewire (16-EX-2014)

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 6 (bar) State liquor license.

Location: 7340 E. Indian Plaza

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

Planning and Development Director Randy Grant gave a brief overview of Livewire's request for a permanent extension of premises.

MOTION AND VOTE - ITEMS 11 AND 12

Councilwoman Milhaven made a motion to approve Items 11 and 12. Councilwoman Klapp seconded the motion, which carried 4/2, with Vice Mayor Phillips and Councilman Littlefield dissenting.

12. Livewire Outdoor Dining License Agreement

Request: Adopt **Resolution No. 9902** authorizing Outdoor Dining License Agreement No. 2014-160-COS with LMS 96, LLC, for an outdoor dining patio on City right-of-way.

Location: 7340 E. Indian Plaza

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555,
dworth@scottsdaleaz.gov

David Smith provided written comment (attached) for the public record.

The motion and vote for Item 12 were included in the motion and vote on Item 11.

18. Reata Wash Flood Control Budget Transfers

Request: Adopt **Resolution No. 9912** authorizing two FY 2014/15 General Fund Capital Contingency budget appropriation transfers in the amounts of \$406,000 and \$850,000, for a total of \$1,256,000, from Project F0503, Pima Road Drainage System, to a newly created CIP project to be titled Reata Wash Flood Control to be funded by the General Fund.

Presenter(s): Derek Earle, City Engineer

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555,
dworth@scottsdaleaz.gov

City Engineer Derek Earle gave a PowerPoint presentation (attached) on the proposed Reata Wash Flood Control budget transfers and the engineering services contract.

Mayor Lane opened public testimony.

The following individuals asked the Council to continue Items 18 and 19:

- Edward Marklow, Scottsdale citizen
- JD Helms, Scottsdale citizen
- Marilyn Andrews, Scottsdale citizen

Mayor Lane closed public testimony.

MOTION AND VOTE NO. 1 – ITEMS 18 AND 19

Vice Mayor Phillips made a motion to continue items 18 and 19 until the Council has more information and can make a more educated decision. Councilman Littlefield seconded the motion, which failed 2/4, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven dissenting.

MOTION AND VOTE NO. 2 – ITEMS 18 AND 19

Councilwoman Milhaven made a motion to adopt Resolution Nos. 9912 and 9913. Mayor Lane seconded the motion, which carried 4/2, with Vice Mayor Phillips and Councilman Littlefield dissenting.

19. Reata Wash Flood Control Engineering Services Contract

Request: Adopt **Resolution No. 9913** authorizing Engineering Services Contract No. 2014-168-COS with Wood, Patel & Associates, Inc., in the amount of \$992,514 to conduct a preliminary engineering analysis of the area known as Reata Wash.

Presenter(s): Derek Earle, City Engineer

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

The motion and vote for Item 19 were included in the motion and vote on Item 18.

PUBLIC COMMENT – None

CITIZEN PETITIONS

20. 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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

The Special City Council Meeting adjourned at 6:04 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

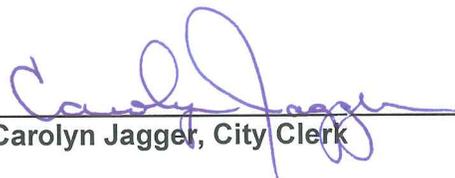
Officially approved by the City Council on December 2, 2014

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Special Meeting of the City Council of Scottsdale, Arizona held on the 12th day of November 2014.

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

DATED this 2nd day of December 2014.



Carolyn Jagger, City Clerk



Scottsdale Cultural Council impact

- Serving 396,435 people
- Economic impact \$19,204,020
- Record attendance for SMOCA

Covert Operations
Investigating the Known Unknowns

TIME

ARTFORUM

Art in America

POLITICO

**THE DAILY
BEAST**

n p r

**THE ARIZONA
REPUBLIC**

Instagram



Lit Lounge

Phoenix New Times Best Spoken Word Series 2013 and 2014



James Marshall (a.k.a Dalek) *Shift*, 2014

A collaboration with Scottsdale Public Art
Viewed on Instagram by over 400,000 people

Visions





Artstart

5,000 pre-school students, teachers and parents
have participated over the past ten years



Jellies in the Sky, Cacti in the Water

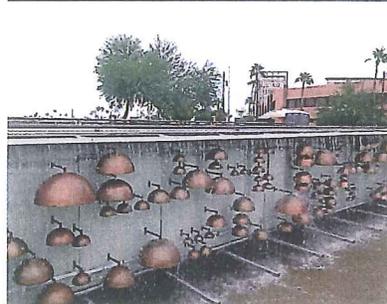
November 8-16 Fall for the Arts
On view through mid-January 2015





Sonoran Seed Pods by Jeff Zischke

George "Doc" Cavalliere Park



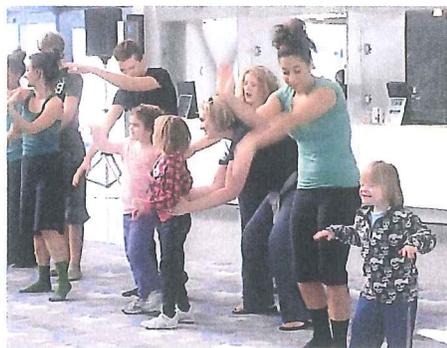
Copper Falls by Robert Adams

SE Corner of Camelback and Scottsdale Road

Detour Company Theatre



Celebration of the Arts for Children With Disabilities



SCPA's Education & Outreach

- Cultural Connections Through The Arts
- Arizona Wolf Trap
- Kennedy Center Partners in Education
- A Celebration of the Arts for Children with Disabilities
- Empty Bowls Workshops & Benefit Sale
- Detour Company Theatre
- Dance Residency Program
- Arts Connect

Jagger, Carolyn

From: leon spiro <leon_spiro@yahoo.com>
Sent: Wednesday, November 12, 2014 7:36 AM
To: Lebovitz, Brandon; Jagger, Carolyn
Cc: Leon Spiro; City Council; Lane, Jim; Gail Griffin; Robbins, Dennis E; Washburn, Bruce; Korte, Virginia; Milhaven, Linda; John Washington; Mark Stuart; leon.spiro@gmail.net
Subject: Due diligence, Agenda Item #3-AB-2013, 12 November 2014.

Council Members. sorry that I am unable to attend your meetings. I reference Agenda Item #3-AB-2013, Miller Residence Abandonment. I request that this item be removed from the Consent Agenda and placed on the Regular Agenda due to its complexity of this issue. . Request that any "members of the Scottsdale City Council that have or have had a "vested interest in Small Tract Act of 1938 Easement Abandonments (release) of these Roadway Easements in Scottsdale , excuse themselves from this item's decisioning. I understand that this has not been done in the past by those involved.? I am of the understanding that the City of Scottsdale , Arizona "is only abandoning the interest of the City of Scottsdale in these Small Tract Act of 1938 Federal Patent Roadway and Public Utilities Easements and not any "Dominant Tenement Easement Rights and Servient Tenement Easement obligations" afforded these properties, as originally deeded at time of sale by the Federal Government. Therefore, , with this abandonment procedure wording of "Cities Interest only" disappearing from these documents, and all persons involved are now oblivious and unaware of what the City of Scottsdale Council is releasing and/or abandoning, which is only "the Cities interest". if this is meant to be a "total abandonment of these roadway and public utilities easements, "I oppose approving of this abandonment" request . I "do not oppose the release of only the Cities Interest " in this abandonment request. But, I repeat, I "do oppose this abandonment request" if it is intended to mean "abandonment of these easements IN TOTAL". It appears that the City of Scottsdale's personnel involved, permitted this easement right taking at the time of construction. We believe , after the City of Scottsdale "releases its interest in these roadway easements, that they become "private roadways" after the "release abandonment process". Does the owner have "full Title Insurance Coverage" for this property? Are the required "Agreement Release Documents" correct? Have they been approved as to legality by the Scottsdale City Attorney? Who is the present Lender? Is a Federal Government Enterprise now involved? The City of Scottsdale's Zoning Administrator must be flawless with his approval of documentation that is required. " Mortgage Brokers are not Lenders". . Your Staff Report references ARS #28-7201, et seq. I am of the understanding that the City of Scottsdale does not own these "patent roadway easements" but has only the right of useage for roadways and public utilities. in which the City of Scottsdale is now "releasing / abandoning the City of Scottsdale's Interest". Reference ; Kennedy v. City of Phoenix #1. Also referenced is ARS 9-500.24. Will any responsible party answer for the record, as to what "patent easements they are permitting to be abandoned"? "What is said and what is written should be the same" . If we are correct, one wonders who will be the last owner to sell a home that was built and has encroached on a Small Tract Act of 1938 Roadway and Public Utilities Easement? "Due Diligence is required". Leon Spiro, A Citizen of Scottsdale and a Federal Patent Parcel Homeowner

November 11, 2014

To: Mayor Lane, Vice Mayor Phillips, Councilmembers Korte, Littlefield, Klapp, Milhaven, Robbins

Re: City Council Meeting November 12, 2014
Consent Agenda Item #12
Resolution 9902
Livewire Outdoor Dining License Agreement

Ladies and Gentlemen:

The subject Resolution No. 9902 with *Livewire* (a Class 6-Bar Licensee) is to establish lease terms for a 458 square feet expansion of premises in the form of a second story patio to be located above an existing city sidewalk.

Resolution no. 9902 contains several **WHEREAS** findings, offered as statements of fact without corroborating arguments in the supporting Council Action Report. Findings include:

- A. Scottsdale's downtown...provid[es] significant economic, tourism and cultural amenities for Scottsdale's citizens, businesses and visitors. Assuming the geographic area referred to is the so-called *entertainment district*, there are no corroborating supportive arguments in the City Council Report for the statement made.
- D. ...provides the potential for visitors to better experience the community and its amenities and heritage. It is unclear how this project to expand the allowed square footage of a Class 6 (Bar) Licensee will enhance visitors' experience of Scottsdale's heritage.
- H. City desires to enter into a contract with Licensee to operate the City Parcel as an outdoor dining patio integrated with the restaurant operation on the Restaurant Parcel. Council authorized Licensee to operate with a Class 6 (Bar) License, so it should be presumed the proposed patio will integrate with a bar (rather than a restaurant) and be used as a bar (rather than a restaurant) extension area.
- I. The city council...finds that there is a clearly identified public purpose...and that City will receive direct consideration substantially equal to its expenditure. There are no corroborating arguments in the City Council Report for either statement. Coincidentally, the proposed lease rental for the city's air rights is \$6 per square foot...the same rate approved October 7, 2014 for the rental of a city owned sidewalk to *Maya Day and Nightclub*.

In the interest of transparency for interested citizens, Agenda Item #12 should be removed from the Consent Agenda and introduced for consideration as a Regular Agenda item. With open discussion, the public might better understand Council's reasoning for the statements made in Resolution No. 9902.

Respectfully Submitted,



David N. Smith
10801 E. Happy Valley Rd., #82
Scottsdale, AZ 85255
(480) 369-7482

Items 18 & 19

Reata Wash Flood Control



ARIZONA™

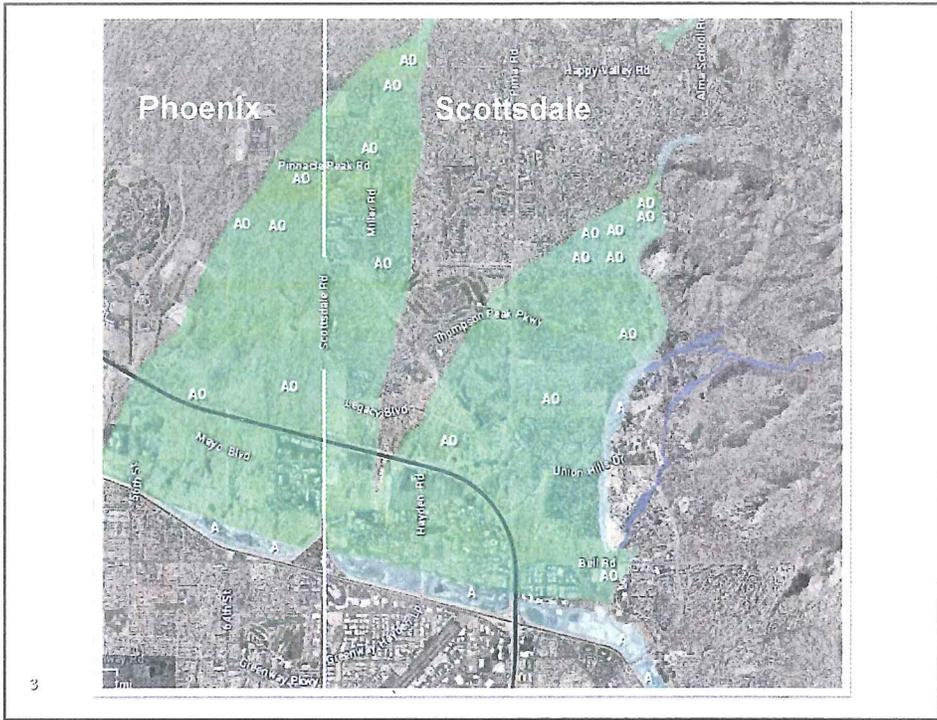
City Council

November 12, 2014

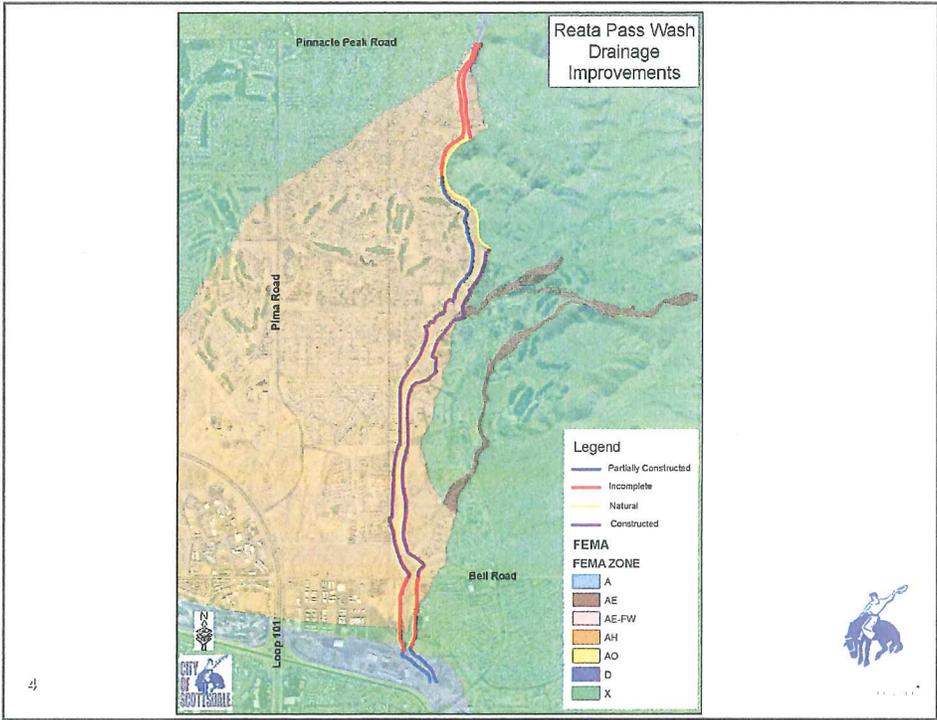
Purpose of Tonight's Request

- Authorize a budget transfer for a new project
 - Moving appropriation authority from an existing project (Pima Road Channel improvements, F0503) and using CIP Contingency
 - Total capital budget - \$1,256,000 (General Fund)
 - Appropriation only initiates engineering analysis, no construction funding being requested at this time
- Approve an engineering contract
 - For analysis of alternatives and preparation of design concept report
 - Includes up to 15% design
 - Further progress will require Council action





3



4

Study Goal

To identify and recommend a

- publicly acceptable
- cost effective
- regulatory agency compliant

solution for reduction of flood hazards and removal of the FEMA floodplain designation in the Reata Wash study area.



5

Key Stakeholders/Reviewers

- City of Scottsdale residents
- Flood Control District of Maricopa County
- Arizona State Land Department
- Arizona Department of Environmental Quality
- Federal Emergency Management Agency
- US Environmental Protection Agency
- US Bureau of Reclamation
- US Army Corps of Engineers



5

Deliverables

- Identification of flooding risk in alluvial fan (focus on FEMA compliance)
- Identify and seek consensus on preferred alternative to resolve floodplain issues
- Identify potential impacts and benefits of preferred alternative
- Identify potential land parcel acquisitions
- Identify preliminary costs of preferred alternative
- Public outreach and education
- Preliminary agency reviews of proposed plan
- Review funding options for capital investment



7

Requested Actions

Item #18

- Adopt Resolution 9912 authorizing a FY 2014/15 General Fund Capital Contingency budget appropriation transfer in the amount of \$406,000, and a budget appropriation transfer in the amount of \$850,000 from Project F0503, Pima Road Drainage System to a newly created CIP project to be titled Reata Wash Flood Control totaling \$1,256,000 to be funded by the General Fund

Item #19

- Adopt Resolution 9913 authorizing Engineering Services Contract 2014-168-COS with Wood Patel Associates, Inc. in the amount of \$992,514 to conduct a preliminary engineering analysis of the area known as Reata Wash.



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Questions/Discussion

