

SCOTTSDALE

CITY COUNCIL MEETING

REGULAR MEETING AND WORK STUDY SESSION

NOTICE AND AGENDA



COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Monday, September 21, 2015

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 (October 6, 2015).

5:00 P.M.

**AMENDED MARKED AGENDA
(***) AMENDED STUDY SESSION LANGUAGE)**

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:14 P.M.

Roll Call – All present

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Daisy Troop 2244, Leader Elizabeth Reynoso

Invocation – Pastor David Joynt, Valley Presbyterian

Mayor's Report – Mayor Lane presented a proclamation to John Selkirk in honor of Scottsdale's First Annual Legendary Teacher Day. Dr. Nicholas Clements presented a book of legendary teacher stories and a grant to Dr. Selkirk, and a book entitled "Legendary Leadership Lessons" to Mayor Lane.

Presentations/Information Updates – None

Public Comment – None

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 comment 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."**



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).

MINUTES

Request: Approve the [Regular Meeting Minutes of August 25, 2015](#), and [August 31, 2015](#); and [Work Study Session Minutes of August 31, 2015](#).

– **Councilmember Korte made a motion to approve the Regular Meeting Minutes of August 25, 2015, and August 31, 2015; and Work Study Session Minutes of August 31, 2015. Councilwoman Littlefield seconded the motion, which carried 7/0.**

CONSENT AGENDA ITEMS 1-8

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.

– **Councilwoman Klapp made a motion to approve Consent Agenda Items 1 through 7, absent Item 8, which was moved to the regular agenda. Vice Mayor Milhaven seconded the motion, which carried 7/0.**

1. [Decantur Winery Liquor License \(85-LL-2015\)](#) – **Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 13 (domestic winery) State liquor license for a new location and owner.

Location: 18221 N. Pima Road, Suites 100 and 105

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

2. [Walgreens No. 06729 Liquor License \(86-LL-2015\)](#) – **Approved on Consent.**

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9 (liquor store) State liquor license for an existing location and owner, new license series.

Location: 10929 E. Dynamite Boulevard

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

3. [Preserve Trails Construction Services Job Order Contract Modifications](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 10237** authorizing the following fourth option year job order contract modifications for Preserve trails construction services:

1. Contract No. 2012-136-COS-A2 with Okanogan Trail Construction, Inc.

2. Contract No. 2012-137-COS-A2 with YRU Contracting, Inc.

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

4. [McDowell Sonoran Preserve Wildlife Study Collection Agreement](#) – **Approved on Consent.**

Request: Adopt **Resolution No. 10220** authorizing Agreement No. 2015-200-COS with the Arizona Game and Fish Department to study wildlife activity within the McDowell Sonoran Preserve.

Staff Contact(s): Kroy Ekblaw, Strategic Projects/Preserve Director, 480-312-7064, kekblaw@scottsdaleaz.gov

5. [Audit Committee Recommendation for Building Advisory Board of Appeals Sunset Review – Approved on Consent.](#)
Request: Adopt **Resolution No. 10232** accepting the Audit Committee’s recommendation and authorizing continuation of the Building Advisory Board of Appeals.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

6. [Audit Committee Recommendation for Board of Adjustment Sunset Review – Approved on Consent.](#)
Request: Adopt **Resolution No. 10233** accepting the Audit Committee’s recommendation and authorizing continuation of the Board of Adjustment.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov

7. [Monthly Financial Report – Approved on Consent.](#)
Request: Accept the FY 2015/16 Monthly Financial Report as of July 2015.
Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

8. [Permanent Extension of Premises for The Vig at Paseo Village \(10-EX-2015\) – Councilmember Korte made a motion to forward 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 at 7345 N. Via Paseo Del Sur. Vice Mayor Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.](#)
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: 7345 N. Via Paseo Del Sur
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

Public Comment – None

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CITIZEN PETITIONS

ITEM 9

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.

9. **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 – 5:36 P.M.

CITY COUNCIL WORK STUDY SESSION

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard
(Immediately Following the Regular Meeting)

Call to Order – 5:36 P.M.

Roll Call

One or more members of the Council may be unable to attend the Council meeting in person, and may participate in telephonically, pursuant to A.R.S. §38-431(4).

Work Study Sessions: Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

(Note: This is a continuation of the Council discussion on the “Regulation of Special Events” that was begun on August 31, 2015. There will be no further public comment taken at this Work Study Session.)

1. Regulation of Special Events (Continued from August 31, 2015)

Request: Presentation, discussion, and possible direction to staff regarding the City’s regulation of special events, including possible changes, public outreach efforts, and a timeline for revisions to the Special Events Ordinance.

Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288,
bstockwell@scottsdaleaz.gov

– Assistant City Manager Brent Stockwell presentation.

*** There was general direction to:

- Proceed with a public outreach process, making sure the Downtown Scottsdale merchant associations and all other interested parties are included.
- Identify public property in the downtown area to be used for special events, including the Waterfront area.
- Identify special events that the Council and merchants would like to include in the Downtown area.
- Take into consideration the six concerns listed in the citizen petition submitted on August 31, 2015, when moving forward with an ordinance.
- Reserve Thursday nights for the traditional Art Walk event.
- Return to the Council with a proposed draft ordinance in early 2016.
 - Provide language that distinguishes between public and private uses, commercial uses, and not-for-profit uses.
 - Define an appropriate length of time for special events. Any event that is longer than the defined time period would be considered a business and subject to City regulations.
 - Provide recommendations for adjusting the fee and use schedule for public properties.
 - Keep the proposed ordinance(s) simple; do not disadvantage special event producers, vendors, or merchants; and be sensitive to ramifications.

Councilmembers offered the following suggestions regarding special events and the permitting process:

- Look at events as they relate to fairness, and consider placing additional costs on the use of leasing public property.
- Establish processes and procedures similar to the ones used by the Cultural Council, Scottsdale Stadium, and WestWorld.
- Look at events booked and the public property being leased, as well as the value thereof, and determine if there are conflicts with other events.
- Hire an industry specialist to advise the City on how to support the gallery industry.

- Do not create special events that negatively affect current businesses in Scottsdale.
- Review, and possibly revise, regulations related to long-term events run by commercial operators.
- Activate areas with a number of event producers, rather than one event producer that would potentially tie up a large area of downtown for a number of days.
- Define precisely what constitutes a Special Event.
- Research the letter of the law related to gift clauses to determine if the City is breaking the intent of the law.
- Require the City Council to sign off on every Special Event permit prior to issuance to determine adherence to the ordinance, rather than having the permits administratively approved by staff. Consider Special Event permits on the Consent Agenda. Permits that raise concerns can be pulled for questions and discussion.
- Reinstate the Signature Event category and develop criteria for what constitutes a Signature Event.
- Establish a maximum number of days for art-related special events and a number of day's maximum for an art event in any one particular location.
- Establish a different review process for public and private special event ordinances, without making the processes too complicated.
- Restrict special events to insure they do not compete with local business or have adverse monetary or traffic impact.
- Establish a definition between retail as the primary focus and other retail.
- Do not hire a consultant to advise the City on how to support the gallery industry.
- Provide Council control over events that compete with existing merchants for retail revenue and parking spaces, and events of a long duration.

Staff was asked to provide: (1) Information covering five to ten years on the purposes of events, e.g., dog show, etc., including how many events were viable; how many events returned for subsequent years; how many events were activated in, and brought people into, the downtown area versus regular retail establishments; how long art markets and the Artisan Market have been viable; and whether the events fulfil the mission of activation; and (2) information on national trends regarding the high-end art industry, including the impact of internet sales on brick and mortar establishments, trends and historical sales in competing markets.

Adjournment – 7:32 P.M.