

SCOTTSDALE

CITY COUNCIL MEETING

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

[CONSENT AGENDA ITEM NO. 5 CONTINUED]



COUNCIL

W.J. "Jim" Lane, Mayor
Lisa M. Borowsky
Wayne Ecton
Suzanne Klapp

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Wednesday, January 28, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:06 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **VICE MAYOR LITTLEFIELD**

Invocation – **NONE**

City Manager's Report – **NONE**

Presentations/Information Updates

Public Comment – **NONE**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



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).

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City 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.

1. **Pasta Primo Liquor License (107-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 16255 N. Scottsdale Road, Suite C1-2
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Whole Foods Market Liquor License (108-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 7 (beer and wine bar) liquor license for an existing location.
Location: 8688 E. Raintree Drive
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Chipotle Mexican Grill Liquor License (109-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location and owner.
Location: 4513 N. Scottsdale Road
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

4. **Alltel Ice Expansion Conditional Use Permit (56-UP-1996#2) - APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA**
Requests:
 1. Amend an existing Conditional Use Permit for a community building and recreational facility not publicly owned to add an ice rink on the subject property zoned Highway Commercial/Planned Community District (C-3/PCD).
 2. Adopt **Resolution No. 7372** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.**Location:** 9375 E. Bell Road
Related Policies, References: 46-ZN-1996, 56-UP-1996, 22-LS-1998, and 33-ZN-2000
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

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- ***5. **Huffaker Text Amendment (3-TA-2008) – CONTINUED TO FEBRUARY 10, 2009**
Request: Continue to February 10, 2009
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov
6. **Designation of the Financial Services General Manager to Make Internal Revenue Service Reimbursement Declarations on behalf of the City – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7841** designating the Financial Services General Manager to make routine Internal Revenue Service reimbursement declarations on behalf of the City, thereby formalizing with the Internal Revenue Service the City's ability to reimburse spent funds from future tax-exempt financings.
Related Policies, References: On May 20, 2008, Council adopted Resolution No. 7597, establishing Financial Policies
Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov
7. **WestWorld Paid Parking Vendor/Concession Agreement – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7828** authorizing Vendor/Concession Agreement No. 2009-002-COS with Professional Event Management, LLC, (ProEm) to administer the paid parking program during special events at WestWorld Equestrian and Special Event Facility.
Related Policies, References: On October 20, 2003, Council approved Vendor/Concession Agreement No. 2003-169-COS with Professional Event Management, LLC, (ProEm)
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov; Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
8. **Promenade Amended Development Agreement – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7846** approving Development Agreement No. 1998-046-COS-A2 affirming the corrections to the exhibits of Amended Development Agreement No. 1998-046-COS-A1 on an approximately ±87-acre parcel located at the southeast corner of Scottsdale Road and Frank Lloyd Wright Boulevard with Planned Regional Center District (P.R.C.) and General Commercial District (C-4) zoning.
Related Policies, References: 51-ZN-1997#1-5
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

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9. **[Southern Scottsdale Real Estate and Land Use Analysis Economic Consultant Services Contract](#) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7855** authorizing Professional Services Contract No. 2009-008-COS with Gruen Gruen + Associates in the amount of \$42,000 for the purposes of augmenting the 2007 Southern Scottsdale Market Analysis with a real estate and economic analysis for the Southern Scottsdale community area plan.
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, dichert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

10. **[Scottsdale Road Design Engineering Services Contract](#) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7842** authorizing Engineering Services Contract No. 2009-004-COS with Wood, Patel & Associates, Inc. in the amount of \$936,260 for design of Scottsdale Road from Thompson Peak Parkway to Pinnacle Peak Road.
Related Policies, References: On January 8, 2008, Council approved the Transportation Master Plan
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

11. **[WestWorld Event Parking Agreement](#) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7851** authorizing Agreement No. 2009-006-COS with Thunderbird Charities Inc. for a four-year WestWorld event parking agreement for the FBR Open.
Related Policies, References: The Thunderbird Charities, dba The Thunderbirds, have been renting the parking areas at WestWorld on an annual basis
Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time *may* be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

12. [Solis aka Waterview at Scottsdale Rezoning and Abandonment \(9-ZN-2007 and 8-AB-2007\)](#) – MOTION TO:

ADOPT RESOLUTION NO. 7779 DECLARING THE DEVELOPMENT PLAN A PUBLIC RECORD;
ADOPT ORDINANCE NO. 3813 MAKING THE FINDINGS FOR A PLANNED BLOCK DEVELOPMENT DISTRICT AND APPROVING CASE 9-ZN-2007 AND AMENDING STIPULATION NO. 13 IN CASE NO. 9-ZN-2007 TO ADD THE FOLLOWING LANGUAGE: “THE NEW SUBSTATION DESIGN SHALL BE COMPARABLE TO THE SUBSTATION RENDERING SHOWN AT THE CITY COUNCIL HEARING, AS DETERMINED BY THE DEVELOPMENT REVIEW BOARD. THE DEVELOPER AND/OR SRP SHALL SEEK COMMUNITY INPUT AND INPUT FROM THE PUBLIC ART AND COLLECTIONS COMMITTEE”;
ADOPT RESOLUTION NO. 7671 ABANDONING PUBLIC RIGHTS-OF-WAY FOR CASE 8-AB-2007 AND AMENDING THE RESOLUTION TO INCLUDE THE FOLLOWING: CHANGING PARAGRAPH 2.1.3.1 TO CHANGE THE WORD “PARCEL” TO “TRACT” EACH TIME IT APPEARS, ADDING THE REQUIREMENT FOR THE DEVELOPER TO TRANSFER TITLE AND PROPERTY TO SRP WITHIN SIX MONTHS, AND ADDING THE REQUIREMENT FOR THE DEVELOPER TO DEPOSIT FUNDS INTO A JOINT ACCOUNT WITH SRP WITHIN 60 DAYS;
ADOPT RESOLUTION NO. 7669 APPROVING DEVELOPMENT AGREEMENT NO. 2008-130-COS, INCLUDING TECHNICAL CLARIFICATIONS PROVIDED BY CITY STAFF ON THE DOCUMENT ENTITLED “JANUARY 26, 2009 UPDATE SHEET FOR WATERVIEW DEVELOPMENT AGREEMENT AND ITS EXHIBITS” INCLUDING THE AMENDMENT TO STIPULATION NO. 13 REFERENCED ABOVE;
AMEND EXHIBIT M OF THE DEVELOPMENT AGREEMENT TO CLARIFY LANDSCAPING REQUIREMENTS AND LEGAL WORKERS’ LANGUAGE TO: (1) INSERT A NEW PARAGRAPH AS FOLLOWS: “MAINTENANCE RESPONSIBILITY. NOTWITHSTANDING ANYTHING IN THIS COVENANT TO THE CONTRARY, ALL DEVELOPER RESPONSIBILITIES EAST OF THE EAST BOUNDARY OF THE CENTER WALKWAY PARCEL SHALL REST SOLELY ON THE PRESENT AND FUTURE OWNERS OF THE EAST LARGE PARCEL; AND, ALL DEVELOPER RESPONSIBILITIES WEST OF THE EAST BOUNDARY OF THE CENTER WALKWAY PARCEL SHALL REST SOLELY ON THE PRESENT AND FUTURE OWNERS OF THE WEST LARGE PARCEL.” AND, (2) EDIT THE “LEGAL WORKERS” PROVISIONS TO CONFORM TO THE SAME PROVISIONS IN THE PLAZA AGREEMENT (EXHIBIT L)”
– OK – 5/2 (RL, TN)

Requests:

1. Adopt **Resolution No. 7779** declaring the document entitled “Solis/Waterview Development Plan 4/22/2008” to be a public record.
2. Approve a rezoning from Highway Commercial/Downtown Overlay (C-3/DO), Service-Residential/Downtown Overlay (S-R/DO), and Multiple-Family Residential/Downtown Overlay (R-5/DO) to Downtown/Office Residential, Type 2/Planned Block Development/Downtown Overlay (DOR-2/PBD/DO) on approximately ±10 acres for Case No. 9-ZN-2007.
3. Adopt **Ordinance No. 3813** making the findings for a Planned Block District overlay district as specifically set forth in Ordinance No. 3813, and affirming the rezoning for Case No. 9-ZN-2007.
4. Approve an abandonment for various rights-of-way (i.e., alley sections) located along the west side of the development site adjoining the southern or east bank of the Arizona Canal north from East Camelback Road to North 74th Place.

(Item No. 12 continued on next page)

REGULAR AGENDA

Wednesday, January 28, 2009

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5. Approve an abandonment of a ± 330-foot portion of the existing right-of-way for North 73rd Street north of East Camelback Road to East Minnezona Avenue to align this portion of North Buckboard Trail with the existing Buckboard Trail south of East Camelback Road for Case No. 8-AB-2007.
6. Adopt **Resolution No. 7671** vacating and abandoning public rights-of-way for Case No. 8-AB-2007.
7. Approve amended development standards affecting this site.
8. Adopt **Resolution No. 7669** affirming Development Agreement No. 2008-130-COS.

Location: Northwest corner of North 73rd Street and East Camelback Road

Related Policies, References:

- General Plan
- Downtown Plan
- Downtown Design and Architectural Guidelines
- 12-AB-2008

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

13. Gateway Plaza Abandonment (12-AB-2008) –

MOTION TO CONTINUE PENDING RECEIPT OF A SIGNED, BINDING AGREEMENT BETWEEN THE DEVELOPER AND SRP RELATED TO THE SUBSTATION – FAILED – 2/5 (JL, LB, WE, SK, RM)

MOTION TO:

AMEND RESOLUTION No. 7674 TO INCLUDE THE FOLLOWING: DEED RESTRICTION TO REQUIRE THE DEVELOPER TO CAUSE CONSTRUCTION OF THE NEW SUBSTATION AT THE 68TH STREET LOCATION TO COMMENCE WITHIN ONE YEAR AND BE DILIGENTLY PURSUED TO COMPLETION, SUBJECT TO ANY EXTENSIONS REQUIRED BY SRP; REQUIRE THE DEVELOPER TO TRANSFER TITLE AND PROPERTY TO SRP WITHIN SIX MONTHS; REQUIRE THE DEVELOPER TO DEPOSIT FUNDS INTO A JOINT ACCOUNT WITH SRP WITHIN 60 DAYS; A DEED RESTRICTION TO REQUIRE THE DEVELOPER TO BURY ALL EXISTING OVERHEAD ELECTRICAL LINES ALONG THE SOUTH BANK OF THE ARIZONA CANAL BETWEEN 68TH STREET AND GOLDWATER BOULEVARD PRIOR TO ANY ELECTRICAL SUBSTATION BEING PUT INTO SERVICE ON THE AFFECTED PARCELS;

ADOPT AMENDED RESOLUTION NO. 7674 ABANDONING PUBLIC RIGHTS-OF-WAY FOR CASE 12-AB-2008, INCLUDING TECHNICAL CLARIFICATIONS PROVIDED BY CITY STAFF ON THE DOCUMENT ENTITLED, “JANUARY 26, 2009 UPDATE SHEET FOR 68TH STREET ALLEY ABANDONMENT RESOLUTION No. 7674 (12-AB-2008) AND ITS EXHIBITS”; AND

ADD THE STIPULATION REQUIRING A DEED RESTRICTION THAT ANY ELECTRICAL SUBSTATION AT THE 68TH STREET LOCATION SHALL GO THROUGH THE DEVELOPMENT REVIEW BOARD PROCESS AND SHALL BE BUILT ACCORDING TO THE OUTCOME OF THE DEVELOPMENT REVIEW BOARD PROCESS, WHICH SHALL BE COMPARABLE TO THE SUBSTATION RENDERING PRESENTED TO THE CITY COUNCIL ON JANUARY 28, 2009, BUT THE SUBSTATION ITSELF SHALL NOT BE REQUIRED TO BE CONSTRUCTED UNDERGROUND; AND REQUIRE THE PARTIES TO STIPULATE THAT A COPY OF THE AGREEMENT BETWEEN SRP AND THE DEVELOPER WILL BE SUBMITTED TO THE CITY.

– OK – 5/2 (RL, TN)

Requests:

1. Abandon a 16-foot-wide right-of-way for alley purposes abutting the Salt River Project canal.
2. Adopt **Resolution No. 7674** vacating and abandoning public rights-of-way.

Location: Northeast corner of North 68th Street and East Indian School Road

(Item No. 13 continued on next page)

(Item 13 continued from previous page)

Related Policies, References:

- The subject alley was dedicated as part of the Valley Plaza subdivision in 1957
- 9-ZN-2007 and 8-AB-2007

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

MAYOR AND COUNCIL ITEM 14

14. Legislative Update – REMOVED

Request: Update: Provide an update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423

Public Comment – NONE

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Mayor and Council Items – NONE

Adjournment – 12:38 AM