

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED SPECIAL MEETING NOTICE AND AGENDA

[ADDED BOARDS, COMMISSIONS, AND TASK FORCE NOMINATIONS; ADDED MAYOR AND COUNCIL ITEM NOS. 4 AND 5]

COUNCIL

W.J. "Jim" Lane, Mayor

Lisa M. Borowsky

Wayne Ecton

Suzanne Klapp

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, June 9, 2009

5:00 P.M.

CITY COUNCIL SPECIAL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:03 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILMAN LITTLEFIELD**

Invocation – **NONE**

City Manager's Report – **MR. LITTLE REPORTED THAT HE RECEIVED A VOICE MAIL MESSAGE FROM A NURSING SUPERVISOR AT SCOTTSDALE HEALTH CARE COMPLIMENTING THE ACTIONS OF POLICE OFFICER THOMAS GOODSON FOR COMFORTING A PATIENT'S WIFE IN THE EMERGENCY ROOM.**

Presentations/Information Updates

- STARS Humanitarian of the Year Award

Public Comment – **SHARON OBERRITTER PRESENTED A PETITION ASKING FOR THE TERMINATION OR VOLUNTARILY RESIGNATION OF THE CITY ATTORNEY; R. L. WHITMER PRESENTED A PETITION ASKING THE COUNCIL TO RECONSIDER, RE-EVALUATE, AND RECONFIGURE THE CITY EMPLOYEES' EARLY RETIREMENT INCENTIVE PROGRAM.**

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).

***** Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for June 23, 2009)**

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

- Board of Adjustment (one vacancy) – GEOFFREY KERCSMER, MARK GRAYSON, ERWIN “FLIP” WEBER, HARRY SCHLEGELMILCH
- Building Advisory Board of Appeals (two vacancies) – GRETCHEN PALMER, JOHN BALSIS, ROGER VERMILLION, TIMOTHY BURNS
- Citizen Bond Review Commission (two vacancies) – MARC GRAYSON, NEAL SUNDEEN, NICHOLAS TORONTO, JOSEPH NYCHAY
- Development Review Board (one vacancy) – MICHAEL EDWARDS, JON CHASE, TIMOTHY BURNS, DANA DIXON
- Historic Preservation Commission (three vacancies) – EARL EISENHOWER, TERRI ROJNA-ASH, LAUREN ALLSOP, DAVID SCHMIDT, TIMOTHY BURNS
- Housing Board (one vacancy)
- Human Relations Commission (one vacancy) – LINDA YOUNG, MARK TROPPER, LINDA SIMMONS, ROBERT FOX, LINDA ROSS
- Human Services Commission (one vacancy) – KATHERINE WEAVER, JEFFREY BATTLE, RAOUL ZUBIA
- Loss Trust Fund Board (one vacancy) – JOE TAYLOR, SUZANNE GUYAN
- McDowell Sonoran Preserve Commission (two vacancies) – TOM SILVERMAN, JONI MILLAVEC, WALI NAIBI, JAMES HEITEL, FRED KLEIN, JACK GILCREST
- Neighborhood Enhancement Commission (one vacancy) – ROBERT RAWSON, DEBRA OTT, ANNE DRISCOLL, MARC GRAYSON, PAULA RICEHOUSE
- Parks and Recreation Commission (two vacancies) – JAMES DUCHENE, JACK LYNCH, HEATHER WASHINGTON, NICHOLAS TORONTO, HARRY SCHLEGELMILCH, CYNTHIA WALSH
- Transportation Commission (two vacancies) – JOSH WEISS, UMBERTO BROGGI, RUSSELL KOLSRUD, THERESE SNOWER, CARLETON COLE, DONALD LEWIS, HARRY SCHLEGELMILCH, SALVADOR VENEGAS

REGULAR AGENDA ITEMS 1-3

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.**

1. **[Downtown Character Area Plan Non-Major General Plan Amendment \(3-GP-2008\)](#)**
MOTION TO FORM A DOWNTOWN PLAN TASK FORCE CONSISTING OF 15 MEMBERS, EACH COUNCILMEMBER SHALL APPOINT TWO MEMBERS, WITH THE MAYOR APPOINTING THE CHAIR AND TWO ADDITIONAL MEMBERS. THE MEMBERS SHALL SERVE AT THE PLEASURE OF THE PERSON WHO APPOINTED THEM AND APPOINTMENTS WILL BE MADE AT THE JULY 2, 2009 COUNCIL MEETING. THE DOWNTOWN TASK FORCE WILL FURTHER EXAMINE, EVALUATE, REVISE, AND VET THE DOWNTOWN CHARACTER AREA PLAN TO ENSURE THE BEST POSSIBLE AND APPROPRIATE PRODUCT; CONDUCT COMMUNITY OUTREACH ON THE PLAN’S PRIMARY ELEMENTS, LAND USE, CHARACTER AND DESIGN, MOBILITY, ARTS AND CULTURE, ECONOMIC VITALITY, PUBLIC SERVICES AND FACILITIES, AND OTHER ISSUES THEY DEEM RELEVANT. THE TASK FORCE WILL PRESENT FINDINGS AND RECOMMENDATIONS TO THE CITY COUNCIL BEFORE JANUARY 1, 2010, AND, UPON ACCEPTANCE AND ADOPTION OF THE DOWNTOWN CHARACTER AREA PLAN BY THE COUNCIL, THE TASK FORCE SHALL DISSOLVE. THE CITY MANAGER IS DIRECTED TO PROVIDE THE TASK FORCE WITH RELEVANT STAFF, MEETING SPACE, AND OTHER NECESSARY RESOURCES FOR THE TASK FORCE TO ACCOMPLISH ITS CHARGE; AND, THE CITY ATTORNEY AND CITY CLERK ARE DIRECTED TO WORK WITH THE TASK FORCE TO COMPLY WITH ALL PUBLIC MEETING AND PUBLIC RECORDS LAWS –
WITHDRAWN

MOTION TO DIRECT STAFF TO AGENDIZE DISCUSSION ON ESTABLISHING A DOWNTOWN TASK FORCE FOR JUNE 23, 2009, AND CONTINUE THE DECISION ON THE DOWNTOWN CHARACTER AREA PLAN NON-MAJOR GENERAL PLAN AMENDMENT UNTIL DISCUSSION IS HAD ON THE APPROPRIATENESS OR RECOMMENDATION OF THE COUNCIL ON A DOWNTOWN TASK FORCE – FAILED – 3/4 (LB, WE, SK, RM)

MOTION TO ADOPT RESOLUTION NO. 7726 APPROVING A NON-MAJOR GENERAL PLAN AMENDMENT TO ADOPT THE UPDATED DOWNTOWN CHARACTER AREA PLAN – OK – 5/2 (RL, TN)

Request: Adopt **Resolution No. 7726** approving a non-major General Plan amendment to adopt the updated Downtown Character Area Plan.

Related Policies, References: 1984 Downtown Plan

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

2. **Planned Unit Development Text Amendment (9-TA-2007)**

MOTION TO ADOPT ORDINANCE NO. 3854

AMENDED MOTION TO ADOPT ORDINANCE NO. 3854, SUBSTITUTING THE TERM “RESIDENTIAL DISTRICTS” IN LIEU OF “SINGLE-FAMILY RESIDENTIAL”

AMENDED MOTION TO ADOPT ORDINANCE NO. 3854, TO INCLUDE THE PROVISION ALLOWING FOR A MAJORITY OF THE COUNCIL TO APPROVE HEIGHT IN EXCESS OF 48 FEET, BUT NOT TO EXCEED 72 FEET; SUBSTITUTING THE TERM “RESIDENTIAL DISTRICTS” IN LIEU OF “SINGLE-FAMILY RESIDENTIAL”; DELETING LANGUAGE IN SECTION 5.5003(B)(1) “EXCLUDING C. ALLOWABLE BUILDING HEIGHT AND D. EXCEPTION TO BUILDING HEIGHT”; AND INCORPORATING LANGUAGE FROM OPTION A, ORDINANCE 3852, SECTION 5.5005 (2)(C) INTO ORDINANCE 3854 – FAILED – 3/4 – (JL, RL, RM, TN)

MOTION TO ADOPT ORDINANCE NO. 3854, SUBSTITUTING THE TERM “RESIDENTIAL DISTRICTS” IN LIEU OF “SINGLE-FAMILY RESIDENTIAL” – FAILED – 3/4 (LB, WE, SK, TN)

MOTION TO RECONSIDER – OK – 6/1 (WE)

MOTION TO ADOPT ORDINANCE NO. 3854, SUBSTITUTING THE TERM “RESIDENTIAL DISTRICTS” IN LIEU OF “SINGLE-FAMILY RESIDENTIAL” – OK – 5/2 (LB, SK)

Requests:

1. Approve a text amendment to City Zoning Ordinance No. 455, Article III. Definitions; Article IV. Districts and Boundaries Thereof, Section 4.100, Division of City into Districts; Enumeration; Article V. District Regulations; Article VIII. Sign Requirements; Article IX. Parking and Loading Requirements; and, Article X. Landscaping Requirements.
2. Option A: Adopt **Ordinance No. 3852** affirming the text amendment with staff recommended text amendment language.
3. Option B: Adopt **Ordinance No. 3854** affirming the text amendment with Planning Commission recommended text amendment language.

Related Policies, References:

- General Plan 2001
- Los Arcos Redevelopment Plan
- Zoning Ordinance

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

3. **Single-Family Residential (R1-7) Carports, Development Standards, and Accessory Buildings Text Amendments (6-TA-2007, 7-TA-2007 and 8-TA-2007)**

MOTION TO ADOPT ORDINANCE NO. 3853, STRIKING THE ZERO YARD LOT LINE PROVISION, LIMITING THE HEIGHT TO TEN FEET ON ACCESSORY BUILDINGS AND TWELVE FEET ON GARAGES; AND INSERTING LANGUAGE “RELAXED BUILDING RESTRICTIONS APPLY TO THE SITE, BUT DO NOT APPLY TO THE ADDITIONS OR IMPROVEMENTS, WHICH MUST CONTINUE OR MAINTAIN THE DESIGN AND CHARACTER OF THE ORIGINAL STRUCTURE FOR REVIEW AT THE STAFF LEVEL” OR SIMILAR LANGUAGE

AMENDED MOTION DIRECTING STAFF TO INCORPORATE THE SUGGESTIONS RELATED TO STRIKING THE ZERO YARD LOT LINE PROVISION; LIMITING THE HEIGHT TO TEN FEET ON ACCESSORY BUILDINGS AND TWELVE FEET ON GARAGES; AND INSERTING LANGUAGE “RELAXED BUILDING RESTRICTIONS APPLY TO THE SITE, BUT DO NOT APPLY TO THE ADDITIONS OR IMPROVEMENTS WHICH MUST CONTINUE OR MAINTAIN THE DESIGN AND CHARACTER OF THE ORIGINAL STRUCTURE FOR REVIEW AT THE STAFF LEVEL” OR SIMILAR LANGUAGE, INTO A REVISED ORDINANCE AND RETURN TO THE COUNCIL – OK – 6/1 (LB)

Request: Adopt **Ordinance No. 3853** approving text amendments to City Zoning Ordinance No. 455 to amend Article V. District Regulations, Section 5.500 (R1-7) Single-Family Residential District, Section 5.504, Property Development Standards; and, Article VII. General Provisions, Section 7.200, Additional Area Regulations.

Related Policies, References:

- General Plan 2001
- Zoning Ordinance

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEMS 4-5

4. **Retirement Health Savings Plan – SCOTT McCARTY PRESENTATION**

Request: Discussion and possible action regarding Council action on February 24, 2009 and May 19, 2009 directing a change from the current Medical Leave Conversion (“MLC”) program to the Retirement Health Savings (“RHL”) program, which is currently scheduled to take effect July 1, 2009, including a report by the City Manager on the fiscal and budgetary impacts, including a multiyear discounted cash flow analysis, of the change from MLC to RHL.

Staff Contact(s): John C. Little, City Manager, 480-312-2811

5. **City Treasurer – MOTION TO AUTHORIZE THE COUNCIL AUDIT COMMITTEE TO SERVE AS THE SEARCH COMMITTEE FOR THE RECRUITMENT OF A QUALIFIED INDIVIDUAL FOR THE POSITION OF CITY TREASURER, SOLICIT AND SCREEN APPLICANTS FOR THE POSITION, AND MAKE A RECOMMENDATION TO THE FULL CITY COUNCIL ON THE CANDIDATE OR CANDIDATES TO BE CONSIDERED FOR APPOINTMENT AS CITY TREASURER. THE COUNCIL AUDIT COMMITTEE SHALL DEVELOP A JOB DESCRIPTION FOR THE PERMANENT TREASURER, AND REPORT BACK TO THE COUNCIL NO LATER THAN SEPTEMBER 8, 2009. THE CITY MANAGER IS DIRECTED TO ENSURE THAT THE HUMAN RESOURCES DEPARTMENT WORKS WITH THE AUDIT COMMITTEE TO FACILITATE COMPLETION OF THESE TASKS – OK – 6/1 (WE)**

Request: Discussion and possible action regarding conducting a search for a permanent City Treasurer as prescribed by the City Charter and developing a job description for the position.

Public Comment – NONE

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Mayor and Council Items – NONE

Adjournment – 12:00 PM