

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

[ADDED ANNOUNCEMENT OF McDOWELL CORRIDOR/SOUTH SCOTTSDALE ECONOMIC DEVELOPMENT TASK FORCE APPOINTMENT; REWORDED REGULAR ITEM No. 15; ADDED MAYOR AND COUNCIL AGENDA ITEM NOS. 19 AND 20; AND RESCHEDULED ITEM No. 19 TO NOV. 17]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, November 3, 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 – **BROWNIE TROOP 1647**

Invocation - **PAUL NEWMAN, SCOTTSDALE BIBLE CHURCH**

City Manager's Report – **ACTING CITY MANAGER DAVID ELLISON ASSURED THE CITY COUNCIL AND COMMUNITY THAT THE CITY'S SUCCESSION PLAN IS IN EFFECT AND THAT THE ORGANIZATION CONTINUES TO PUT SERVICE TO ITS CITIZENS FIRST.**

Presentations/Information Updates

Approval of Minutes

- OK - 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[October 6, 2009](#)

[October 6, 2009](#)

[October 13, 2009](#)

Public Comment – LISA HASKELL SHARED HER CONCERN REGARDING THE KINDS OF BUSINESSES WHICH MAY TRY TO LOCATE IN SOUTHERN SCOTTSDALE, ESPECIALLY IN THE CURRENT ECONOMY. SHE SPOKE IN SUPPORT OF CODE ENFORCEMENT'S RIDE ALONG PROGRAM, WHICH SHE AND HER NEIGHBORS PARTICIPATE IN REGULARLY.

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).

CONSENT AGENDA

ITEMS 1-13

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***Announcement of McDowell Corridor/South Scottsdale Economic Development Task Force

Appointment – COUNCILMAN ECTON ANNOUNCED HIS APPOINTMENT OF TODD HARDY TO THE MCDOWELL CORRIDOR/SOUTH SCOTTSDALE ECONOMIC DEVELOPMENT TASK FORCE.

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. **Over Easy/18 Degrees Liquor License (66-LL-2009) – 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: 9375 E. Bell Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov
2. **New China Gate Liquor License (67-LL-2009) – 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: 7730 E. McDowell Road, Suite 111
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov
3. **Dos Gringos Liquor License (69-LL-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.
Location: 4209 N. Craftsman Court
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov
4. **Permanent Extension of Premises for Howl at the Moon (54-EX-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Howl at the Moon.
Location: 7419 E. Indian Plaza Drive, Suite A
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov

CONSENT AGENDA

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5. **TPC Desert & Stadium Golf Course Rezoning (9-ZN-2009) – APPROVED ON CONSENT**
Request: Adopt **Ordinance No. 3872** affirming the rezoning from Single-Family Residential District (R1-35) zoning and Multiple-Family Residential District (R-5) zoning to Open Space District (O-S) zoning on a 505± acre parcel.
Location: 17020 N. Hayden Road, 16638 N. Pima Road and 16136 N. Pima Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov

6. **Feldman Residence Abandonment (2-AB-2009) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8090** vacating and abandoning public rights-of-way located at 12192 E. Redbird Road.
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov

7. **Replat of DC Ranch Parcel G.1 (12-PP-2001#3) – APPROVED ON CONSENT**
Request: Approve a replat of Lots 1335 and 1336 in the existing subdivision DC Ranch Parcel G.1.
Location: 10128 and 10146 E. Gilded Perch Drive
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov

8. **Amendment to the Scottsdale Revised Code to Clarify Roles and Responsibilities of the Transportation Commission – APPROVED ON CONSENT**
Request: Adopt **Ordinance No. 3870** amending Scottsdale Revised Code, Section 2-283, Purpose, Powers and Duties, to update and clarify the roles and responsibilities of the Transportation Commission.
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov

9. **Urban Area Security Initiative Grant – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8093** repealing Resolution No. 8071 and authorizing Agreement No. 2009-153-COS between the City and the Arizona Department of Homeland Security to accept a grant in the amount of \$500,000 for chemical, biological, radiological, nuclear and explosive response enhancements to the Police and Fire departments; and authorizing a budget transfer of \$500,000 in the FY 2009/10 Future Grants Budget to the assigned center(s) to record all grant related activities.
Staff Contact(s): Alan Rodbell, Police Chief, 480-312-1900, arodbell@scottsdaleaz.gov; William L. McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov

10. **Scottsdale County Island Fire District Fire Protection Service Agreement – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8094** authorizing Intergovernmental Agreement No. 2009-154-COS with the Scottsdale County Island Fire District for the provision of fire protection services.
Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov

CONSENT AGENDA

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11. **Down Payment Assistance Program – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8096** supporting an application for federal HOME funds by Neighborhood Housing Services of Phoenix, an Arizona non-profit organization, to the Maricopa HOME Consortium to deliver a Down Payment Assistance Program to income eligible buyers.
Staff Contact(s): William B. Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
12. **Salt River Project License Agreement for Irrigation Water to Silverado Golf Club – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8074** authorizing License Agreement No. 2009-146-COS with Salt River Project for the continued use of Salt River Project land for a waterline that serves irrigation water to Silverado Golf Club.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
13. **Proposed Charter Amendments – APPROVED ON CONSENT**
Request: Adopt **Ordinance No. 3874** proposing five amendments to the city charter regarding City elections, and submitting the proposed amendments to a vote of the qualified electors of the City at a Special Election to be held on March 9, 2010.
Staff Contact(s): Brent Stockwell, Strategic Resources Group Senior Advisor, 480-312-7288, bstockwell@scottsdaleaz.gov

REGULAR AGENDA ITEMS 14 - 16

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.**

14. **Proposed Bed Tax Increase - MOTION TO ADOPT ORDINANCE NO. 3873 - OK - 7/0**

SUBSTITUTE MOTION FOR BALLOT LANGUAGE TO ALLOCATE 50 PERCENT FOR MARKETING, 40 PERCENT FOR CAPITAL PROJECTS, AND 10 PERCENT FOR THE GENERAL FUND – FAILED - 2/5 (LB,SK,JL,RL,TN)

MOTION TO DIRECT THAT ALLOCATION OF THE BED TAX BE SET AT 50 PERCENT TO DESTINATION MARKETING, 38 PERCENT TO CAPITAL PROJECTS, 10 PERCENT TO THE TOURISM PROGRAM, 2 PERCENT TO THE GENERAL FUND. MOTION WAS NOT VOTED ON DUE TO SUBSTITUTE MOTION BEING PASSED.

SUBSTITUTE MOTION TO CONTINUE THE DISCUSSION REGARDING PREPARATION OF AN ORDINANCE ALLOCATING THE REMAINING 50 PERCENT OF THE BED TAX – OK - 4/3 (WE,SK,RM)

Requests:

1. Adopt **Ordinance No. 3873** to refer to the electors the question of whether a two percent (2%) increase in the transaction privilege tax on transient lodging (bed tax) should be levied, having the effect of raising the rate from the current three percent (3%) to five percent (5%). Fifty percent (50%) of the total bed tax revenue derived from this tax shall be used for destination marketing to promote tourism. The remaining fifty percent (50%) shall be allocated among tourism-driven event support, tourism research, tourism-related capital projects, and other eligible uses as determined by ordinance and state law.
2. Discuss and provide direction to staff to prepare an ordinance allocating the remaining 50% of the bed tax.

Staff Contact(s): Harold Stewart, Economic Vitality General Manager, 480-312-2311, hstewart@scottsdaleaz.gov

*****15. Draft Roadway Noise Abatement Policy – MOTION TO REFER THE DRAFT ROADWAY NOISE ABATEMENT POLICY BACK TO THE TRANSPORTATION COMMISSION - OK - 7/0**

Requests:

1. Review and adopt the Draft Roadway Noise Abatement Policy, as recommended by the Transportation Commission at their July 16, 2009 meeting.

or

2. Review, discuss, and refer the Draft Roadway Noise Abatement Policy back to the Transportation Commission for additional modifications based on Council feedback and direction.

Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichert@scottsdaleaz.gov

16. Adopt Monthly Operating Report and Proposed Budget Adjustments – MOTION TO ADOPT RESOLUTION No. 8100 – OK - 7/0

Requests: Adopt **Resolution No. 8100** accepting the Monthly Operating Report and authorizing budget adjustments.

Staff Contact(s): Scott McCarty, Financial Management Chief Financial Officer, 480-312-7582, smccarty@scottsdaleaz.gov

Mayor and Council Items begin on following page

17. **Citizen Petition Regarding In-Lieu Property Taxes - MOTION TO AGENDIZE COUNCIL DISCUSSION ON IN-LIEU PROPERTY TAXES PAID BY WATER, SEWER, SOLID WASTE AND AIRPORT ENTERPRISE FUNDS INTO THE CITY'S GENERAL FUND – OK – 7/0**
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to direct the City Manager to investigate and report to the City Council and the Budget Commission regarding in-lieu property taxes paid by Water, Sewer, Solid Waste and Airport Enterprise Funds into the City's general fund. The petition was submitted by Mr. R. Lamar Whitmer at the October 6, 2009 City Council Meeting.
18. **Council Subcommittee on Economic Development Appointments - MOTION TO AFFIRM MAYOR LANE'S APPOINTMENT OF VICE MAYOR BOROWSKY, COUNCILWOMAN KLAPP, AND COUNCILMAN LITTLEFIELD TO THE COUNCIL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT - OK – 7/0**
Request: Affirm Mayor Lane's Council assignments to the Subcommittee on Economic Development.
Staff Contact(s): Tim La Sota, Mayor's Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov
- ***19. **Initiate Text Amendment Regarding Live Entertainment – MOTION TO CONTINUE TO NOVEMBER 17, 2009 – OK – 7/0**
Request: Rescheduled to November 17, 2009
- ***20. **Financial Services Reorganization – MOTION TO ADOPT ORDINANCE NOS. 3876 AND 3877 – OK – 4/3 (WE, SK, RM)**
Requests:
A. Adopt **Ordinance No. 3876**, amending Sections 2-91, 2-92, 2-131, 2-133, 2-135, 2-146 and 2-147 of the Scottsdale Revised Code relating to the duties of the Treasurer, City Manager and the financial affairs of the City.
B. Adopt **Ordinance No. 3877**, authorizing budget adjustments within the expenditure limit of the 2009/2010 adopted budget to:
(1) Reallocate funding from the current Financial Services Division's budget to fund the newly-created Division of Administrative Services.
(2) Reallocate the remaining funding from the current Financial Services Division's budget to fund a newly-renamed Division of Finance and Accounting.
(3) Transfer the budget for the Risk Management and Payroll Departments, currently in the Human Resources Division budget, to the Division of Finance and Accounting.
(4) Add a budget position, including the salary and associated costs, of the City Treasurer to the Division of Finance and Accounting.
Staff Contact(s): David N. Smith, Interim City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov

Public Comment - KATHRYN WILKINS SPOKE IN OPPOSITION TO THE PLACEMENT OF A NEWPATH POLE IN FRONT OF HER NEIGHBORHOOD'S GATEWAY SIGN AND ASKED FOR THE COUNCIL'S ASSISTANCE IN ADDRESSING THE PROBLEM.

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MAYOR AND COUNCIL ITEMS – COUNCILMAN NELSEN REQUESTED AN UPDATE FROM STAFF ON NEWPATH AND WIRELESS SERVICE IN GENERAL.

Adjournment – 8:37 PM