SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, APRIL 4, 2006

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

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, April 4, 2006 in the City Hall Kiva at 5:06 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Ron McCullagh
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane, Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan
City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE - Councilman Ecton

INVOCATION - None

PRESENTATIONS/INFORMATION-UPDATES

- April dedicated as Clean and Beautiful Month
- Earth Day to be held at WestWorld on April 20, 2006
- EnviroKidsFest 2006 Proclamation
- Earned Income Tax Credit Announcement

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

BOARDS, COMMISSIONS, AND TASK FORCE NOMINATIONS: (Note: Interviews and Appointments Scheduled for April 25, 2006)

- Historic Preservation Commission (Openings: 1 Historian, 1 Real Estate) Nominees: Yvonne Boutell, Nancy Dallett, and DeeJaye Lockwood
- McDowell Sonoran Preserve Commission (3 openings) Nominees: Joel Feldman, Erik Filsinger, Rand Hubbell, Christine Kovach, and Arnold Roy
- Planning Commission (3 openings) Nominees: David Barnett, Donna Hardin, Eric Hess, Michal Joyner, and Jeffrey Schwartz
- Tourism Development Commission (1 opening) Nominees: Kate Cavalier and Janice Wight

PUBLIC COMMENT

Susan Wheeler, 9616 E Kalil Dr, 85260, presented two petitions: One addressing the calculation of parking spaces for non-residential uses in neighborhoods, and one addressing the implementation of a use permit process for churches in neighborhoods (attached).

David Rajput, 7637 E Edgemont, 85257, presented a petition asking Council to adopt language for the City Code, as attached to the petition, in lieu of the portions of the sexually oriented business ordinance that have been referred to the voters (attached).

MINUTES

SPECIAL MEETINGS	REGULAR MEETINGS
March 7, 2006	March 7, 2006

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF THE SPECIAL AND REGULAR MEETING MINUTES OF MARCH 7, 2006. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1 - 12

Items 3 and 6 were removed from the Consent Agenda for separate action.

1. **Joyful Chinese Dining (Restaurant) Liquor License**
   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.
   Location: 9699 N. Hayden Road, Ste. #102
   Reference: 11-LL-2006
   Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Cape of Good Hope Wine Company (Wholesaler) Liquor License**
   Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesaler) liquor license for a new location.
   Location: 10456 N. 74th Street, Unit #2024
   Reference: 12-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Performance Enhancement Professionals Health Studio Conditional Use Permit**
REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION. SEE PAGE 5.

4. **Canyon Residences at Silverleaf (DC Ranch Parcel T4B) Final Plat**
Request: Approve a final plat for residential and commercial use located on a 12.8 +/- acre parcel east of Thompson Peak Parkway and Union Hills Drive.
Location: East of Thompson Peak Parkway and Union Hills Drive
Reference: 17-PP-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. **Smallwood Abandonment**
Requests:
1. Abandon the 20-foot-wide half street right-of-way for N. 122nd Street.
2. Abandon a portion of the 40-foot-wide right-of-way, including the cul-de-sac and temporary turn around, for E. Pinnacle Vista Drive.
3. Adopt Resolution No. 6859 vacating and abandoning a public right-of-way.

Location: 12100 E. Pinnacle Vista Drive
Reference: 19-AB-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. **Taliesin West Historic Property Overlay Zoning**
REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE. SEE PAGE 6.

7. **Historic Residential Exterior Rehabilitation Program and Agreement for 7308 E. Monte Vista Road Project**
Request: Adopt Resolution No. 6860 authorizing the Mayor to execute Agreement No. 2006-023-COS for the purchase of a Conservation Easement by the City upon successful completion of the owner's roof project in the Town and Country Historic District in the maximum amount of $5,000; and authorizing the Preservation Division to administer the Historic Residential Exterior Rehabilitation Program to acquire future conservation easements with funds not to exceed $10,000 per residential project, based on a competitive application process and recommendations from the Historic Preservation Commission.
Related Policies, References:
- The Historic Preservation Ordinance (Ordinance No. 3242) approved by City Council in 1999 and Section 6.100 (HP) Historic Property Supplementary District.
- City Council adopted the Town and Country and Village Grove 1-6 historic districts in June 2005.
- In 2004 City Council approved the $2 million Scottsdale Revitalization funding package, including $200,000 for a historic district rehab program.

Staff Contact(s): Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov

8. **Adoption of Adjusted Water, Water Resources and Sewer Development Fees**
Request: Adopt Resolution No. 6863 and Ordinance No. 3663 amending Water Development, Water Resources Development, and Sewer Development fees for fiscal year 2006-07 effective July 3, 2006.
Staff Contact(s): David M. Mansfield, Water Resources General Manager 480-312-5681, dmansfield@scottsdaleaz.gov

9. **Adopt Notice of Intention to Increase Water and Sewer Rates and Fees and Establish the Date for a Public Hearing**
Request: Adopt notice of intention to increase water and sewer rates and fees for fiscal year 2006/07 and establish May 15, 2006 as the date for a public hearing.
Staff Contact(s): David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

10. **Financial Statement Audit Services**
Request: Authorize the award of contract 2006-020-COS for the audit of the City's financial statements and related services to Cronstrom, Trbovich & Osuch, PC.
Related Policies, References:
- City Charter Article 6, Section 14, requires the City's financial statements to be audited annually by certified public accounts independent of the fiscal affairs of the City government or any of its officers.
- Auditing standards generally accepted in the United States of America as set forth by the American Institute of Certified Public Accountants, the standards for financial audits set forth in the U.S. General Accounting Office's Government Auditing Standards (2003), the provisions of the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996, and the provisions of U.S. Office of Management and Budget (OMB) Circular A-133, Audits of State and Local Governments and Non-Profit Organizations.
- State of Arizona Uniform Expenditure Reporting System requirements (UERS) mandated by the A.R.S. §41-1279.07, with guidelines set forth by the Arizona Auditor General.
- State of Arizona Local Transportation Assistance Funds Expenditure requirements (LTAF) pursuant to A.R.S. §48-5103.
- State of Arizona Local Transportation Assistance Funds II Revenues and Expenditures (LTAF II) pursuant to A.R.S., Title 28, Chapter 24, Article 1, §28-8103.
- State of Arizona Highway User Revenue Fund Expenditure (HURF) requirement pursuant to A.R.S. §9-481.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364 cclifford@scottsdaleaz.gov

Councilman Lane expressed appreciation of the selection process for awarding the contract, and applauded the efforts of staff. He noted that Council will be evaluating the performance of the company on an annual basis.

11. **Architectural Design Services for Renovations and Improvements at the Mustang and Civic Center Libraries**
Request: Authorize Architectural Design Services Contract No. 2006-016-COS with Durkin and Durkin Architects, LLC in the amount of $132,640 for the design of renovations and improvements at Mustang and Civic Center libraries.
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

12. Police Radio Equipment

Request: Adopt Resolution 6866 authorizing the City's Purchasing Director to purchase police radios from Motorola Inc., pursuant to Amendment 7 of the City of Phoenix Contract P-7288-05, in the amount of $1,162,271.

Related Policies, References: City of Scottsdale Contract No. 2000-151-COS. This contract establishes the provisions governing Scottsdale's use of the Maricopa County Smart Zone radio network, and a hardware maintenance and support agreement with the County.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov; Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 12, WITH THE EXCEPTIONS OF ITEMS 3 AND 6. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 3 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

3. Performance Enhancement Professionals Health Studio Conditional Use Permit

Requests:

1. Approve a conditional use permit for a health studio in an existing 3,199+/- square foot suite located at 9319 N. 94th Way, Ste. #200, with Industrial Park, Planned Community District zoning.
2. Adopt Resolution No. 6857 affirming the conditional use permit.

Location: 9319 N. 94th Way, Ste. #200

Reference: 19-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff reviewed Case 19-UP-2005 and noted that concerns about noise were raised at the Planning Commission hearing. Staff determined that the noise impacts of the applicant's business are similar to uses already allowed in the district.

Mayor Manross opened public testimony.

Robert Bové, 9319 N 94th Wy, #300, 85258, owner of an adjacent suite, requested stipulations regarding noise mitigation, as the intensity of the noise and the inappropriate language coming from this suite make it impossible to conduct business in his conference room.

Jody Stiles, 9319 N 94th Wy, #300, 85258, expressed concern about the loud noise and bad language coming from the suite, which is located next to her place of business.

Mary Curet, 9419 N 94th Wy, #300, 85258, requested a stipulation to protect her office from the language and noise generated by the health studio. Ms. Curet explained that she has plans to install noise abatement materials in her offices to reduce the impact.

Lynn Lagarde, 3101 N Central, 85012, requested that Council continue this case so the neighbors could come up with a stipulation and consider all sound-proofing options. In the event the case was not continued, she presented a stipulation requesting the installation of sound mitigation materials on the ceiling, walls and floor of Suite 200 to reduce noise levels.

Jim Keeley, 7845 E Redfield Rd, #100, 85260, the owner of the property and landlord to the health studio, said he and the tenant have been trying to find solutions but were finding contractors either unavailable or too costly. He pointed out that the area is industrial and the same problem could arise with another tenant.

Ian Denny, applicant for the use permit, said his business was there before the other tenants moved in, and there has been very little communication on how to mitigate the problem. He has taken steps to reduce the noise by covering the floor with rubber, moving the speakers away from doors, and turning down the stereo, and did not know what else he could do.

Mayor Manross closed public testimony.

Council/staff discussion:

- Staff verified there is a range of uses in this industrial area, including some manufacturing uses.
- Council members were not comfortable adding the stipulation provided by Ms. Lagarde, citing that it was too vague and there wasn't sufficient opportunity to review it.
- Council members believe there is still opportunity for the involved parties to work together toward a compromise.
- Staff noted that without a specific stipulation attached to the use permit, excessive noise would be considered a nuisance complaint, and that Code Enforcement would follow-up and negotiate with the parties involved.

MOTION AND VOTE – ITEM 3

COUNCILMAN OSTERMAN MOVED TO CONTINUE ITEM 3, CASE 19-UP-2005 TO MAY 2, 2006. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 6 REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE:

6. Taliesin West Historic Property Overlay Zoning

Requests:

1. Request by Scottsdale Historic Preservation Commission, applicant, Frank Lloyd Wright Foundation, owner, to rezone approximately 10.6+/- acres of Taliesin West located at 12621 N. Frank Lloyd Wright Boulevard from Single Family Residential District, Environmentally Sensitive Lands (R1-35 ESL) to Single Family Residential District, Environmentally Sensitive Lands, Historic Property (R1-35 ESL HP) by adding the Historic Property overlay to the core buildings due to their historical significance, and to place Taliesin West on the Scottsdale Historic Register.
2. Adopt Ordinance No. 3667 affirming the zoning.

Location: 12621 N. Frank Lloyd Wright Boulevard

Reference: 21-ZN-2005 and 6-HP-2005

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov

COUNCILMAN OSTERMAN DECLARED A CONFLICT OF INTEREST AND LEFT THE DAIS DURING THE DISCUSSION AND VOTE ON ITEM 6.

MOTION AND VOTE – ITEM 6

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF ITEM 6, 21-ZN-2005 AND 6-HP-2005. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN OSTERMAN ABSTAINING.

REGULAR AGENDA ITEMS 13 - 14

13. Sereno Canyon (Crown Communities) Density Incentive

Requests:

1. Approve a density incentive for the Crown Property development, zoned Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL), to increase allowed dwelling units from 101 to 122 dwelling units with amended development standards on 330 +/- acres. This site is located at the east end of Alameda Road near N. 122nd Street (northeast corner of E. Pinnacle Peak Road alignment and N. 122nd Street alignment, north up to Happy Valley Road alignment).
2. Adopt Ordinance No. 3661 affirming the amended development standards.
3. Adopt Resolution No. 6826 affirming the density incentive.
4. Adopt Resolution No. 6854 authorizing the Mayor to execute the Development Agreement No. 2006-019-COS.

Location: 122nd Street and Alameda Road
Reference: 1-ZN-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff provided a presentation outlined as follows:

- Description of the 330-acre property
- Zoning map
- The request to increase density in exchange for more dedicated natural area open space (NAOS)
- The request to amend development standards to reduce lot size, width, and setbacks
- The request to approve a development agreement assuring Ranch Gate Road as an alternate access road for the development
- Description of ESL District
- Proposed conceptual plan
- Items for consideration
    - Amended standards allow for development flexibility
    - 66 acres of additional NAOS and an additional 20 lots
    - Proposal limits land disturbance and helps preserve meaningful NAOS
    - Increased number of lots not anticipated to impact traffic, infrastructure, or services
    - Concerns of neighborhood regarding extending Alameda Road to the east resulted in proposed development agreement assuring Ranch Gate Road as an alternate access road, and a request to remove Alameda Road from the Streets Master Plan.

- The Planning Commission recommends approval subject to stipulations, and the Transportation Commission recommends approval of Ranch Gate Road as an alternate access road, subject to stipulations.
- Two additional stipulations have been added since the Planning Commission hearing:
  - Under 'Circulation' Item 1 – change 'certificate of occupancy' to 'residential building permits'
  - Under 'Circulation' Item 2 – add the following sentence at the end of the paragraph – 'The applicant shall be required to construct Happy Valley/118th Street and Ranch Gate Road; in-lieu payments shall not be an option for these streets.'

Applicant presentation:

- The goal of the proposal is to preserve open space and solve a transportation challenge.
- The proposed density is less than permitted by the General Plan.
- The 330 acres was formerly thirteen separate parcels with thirteen different plans.
- The new site plan provides 62% open space.
- The developer will be putting in three miles of trails.
- The applicant agrees with all stipulations.

Mayor Manross opened public testimony.

Brian Coast, 11930 E Mariposa Grande, 85255, said he had worked hard in meeting with City officials and negotiating an agreement. He is in favor of the final proposal and mentioned that a petition to close Alameda Road was signed by 130 neighbors.

Steve Kensok, 11921 E Sand Hills Rd, 85255, spoke in favor of the density incentive and the new designation of Alameda Road.

Terry Benson, 11491 N 131st Wy, 85255, read a letter from Virginia Korte supporting the proposal.

Howard Myers, 6631 E Horned Owl Tr, 85262, spoke in opposition to the density incentive, saying it is an attempt to use the clause to justify an increase in the number of lots. He also does not feel the open space is "meaningful." Mr. Myers urged Council to make decisions that are right for the City, not the developer.

Claudia Neal, 10929 E Betony Dr, 85255, read a letter from Arnold Roy supporting the proposal.

Bob Vairo, 10040 E Happy Valley Rd, #451, 85255, representing the Coalition of Pinnacle Peak (COPP), spoke in support of the proposal to close Alameda Road. COPP also supports the density incentive, although with some hesitation, believing additional language is needed for clear guidance.

Tim Miller, 11933 E Sand Hills Rd, 85255, believes a compromise was reached with the developer by transferring traffic to Ranch Gate Road in order to protect the neighborhood.

Norbert Kleiner, 24867 N 119th Pl, 85255, spoke in opposition to the proposal, saying the density incentive benefits are being manipulated and are solely for the residents of the development. Mr. Kleiner suggested that a better alternative for traffic would be to extend Jomax Road to the east to intersect 128th Street.

Tom Hassell, 11727 E Sand Hills Rd, 85255, spoke in support of the density incentive, and said the impact on Alameda Road would be a disaster if that street is left as is.

Mike Kelley, 24095 N 116th Wy, 85255, said the Board of Directors of Troon Ridge, representing 381 homes, supports the plan.

Mayor Manross closed public testimony. Twelve additional comment cards were received from citizens in favor of Item 13, but not wishing to speak.

Council/Staff/Applicant discussion:

- Councilmember Drake expressed concern about not receiving information regarding character area studies with staff reports, citing this case as an example. Staff assured Council that the principles of pertinent character area studies have been incorporated into the project. Randy Grant, Chief Planning Officer, promised that staff would be sure to include information on how a proposal takes into consideration the principles of a particular character area study in future staff reports.
- The applicant verified that the trail will be a shared-use trail, and users will not have to go through a gate to access it.
- The applicant verified that construction traffic will be limited to Ranch Gate Road, no hardship exemption request has been made for the wall/gate, and the community park in the center of the development is not included in NAOS calculations.
- Council agreed with the suggestion from one of the speakers that the language for density incentives should be strengthened.
- Staff verified that the Transportation Master Plan was studied in conjunction with plans for Alameda Road.
- Staff confirmed there would be bike lanes on 128th Street.
- Staff said the 150-foot scenic corridor would be addressed when the development is platted. Councilmember Drake would like to see the Special Street Design Guidelines for 128th Street included in stipulations and addressed at the time of platting.
- Staff discussed the trail connection to the Preserve along 128th Street, which will be addressed in development of the plat.
- Councilmember Drake made several suggestions for additional or amended stipulations including:
    - Amendment of minimum lot area, from 49,000 square feet to 60,000 square feet.
    - A stipulation prohibiting perimeter walls
    - A stipulation to review trail design, trail access, and development gates
    - A stipulation for street designs per the Dynamite Foothills Character Area Plan
    - A stipulation for lot grading/terracing, as applicable
    - A stipulation regarding location/design of lots and walls on building envelope lines
    - A stipulation regarding access to the Preserve with no decorative walls except in the immediate area of the entrance gates
    - A stipulation adding bike lanes on 128th Street
    - A stipulation setting 100 feet as the minimum setback for the scenic corridor and 125 feet as the average
    - Particular focus by the Development Review Board on the trail plan, including both paved and unpaved trails
    - Councilmember Drake will provide written stipulations to staff

MOTION AND VOTE – ITEM 13

COUNCILMAN ECTON MOVED FOR APPROVAL OF SECTONS 1, 2, 3, AND 4 REFERENCED IN ITEM 13, ALONG WITH THE ADDITIONAL STIPULATIONS BY STAFF AND COUNCILMEMBER DRAKE. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

14. Contribution Rates for Employee Health and Dental Benefits

Request: Adopt Resolution No. 6824 approving premium contribution rates and plan design changes (e.g., co-pays, deductibles) for employee health and dental benefit plans for FY 2006/07.

Related Policies, References:

- Scottsdale Revised Code Section 14-102 relating to the contribution of City funds for employee insurance benefits.
- Council Action dated 9/23/03 authorizing employee health care and life insurance benefits.
- Council Action dated 12/8/03 authorizing benefit plan documents, summary plan descriptions and contribution rates.
- Council Action dated 3/22/05 authorizing FY 2005/06 contribution rates.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov; Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

City Manager Jan Dolan reviewed new options for premium rates and plan designs per Council's direction of March 21, 2006:

- Premium Option A will result in an additional cost impact to the City of about $1.5M.
  - Plan design adjustments may result in an additional cost increase to the City of $300,000-$400,000.
- Premium Option B may result in an additional cost to the City of about $2.5M.
  - Plan design adjustments may result in an additional cost increase to the City of $300,000-$400,000.
- Funding for the reductions in premium contributions by participants can be addressed by completely deferring the cost, through the unreserved General Fund balance, or some combination of the two.
- The plans will be reviewed and adjusted annually.

Mayor Manross opened public testimony.

Chet Anderson, Scottsdale Fraternal Order of Police, 6825 E Thomas Rd, 85257, spoke in favor of Option B, and asked that the City's most valuable resource, the employees, not be forgotten.

James Hill, Police Officers of Scottsdale Association, 8414 E Vista Dr, 85250, supported Option B as the best balance. He suggested the employee committee be comprised of employees chosen by their peers rather than a random selection.

Mayor Manross closed public testimony.

Council discussion:

- The majority of the Council believes that Option B is a good choice to lessen the financial impact to staff and improve the City's ability to retain employees.
- Support was expressed for deferral of costs to be part of the budget process.
- Some Council members spoke in opposition to the newly proposed options, which they believe are fiscally unsound.
- Concern was expressed about the significant costs to taxpayers, and future studies regarding a progressive scale of premiums based on salary were requested.
- Council urged that additional plans and options be researched prior to the next budget, and that a strong message be sent to employees that costs will go up in the future.

MOTION AND VOTE – ITEM 14

COUNCILMAN LITTLEFIELD MOVED TO ADOPT PREMIUM OPTION B. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 5-2, WITH VICE MAYOR MCCULLAGH AND COUNCILMAN LANE DISSENTING.

COUNCILMEMBER DRAKE MOVED TO APPROVE THE DESIGN CHANGES UNDER OPTION B. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 5-2, WITH VICE MAYOR MCCULLAGH AND COUNCILMAN LANE DISSENTING.

CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS - Item 15

15. Legislative Update

Update: Provide updates to the City Council and receive possible direction regarding current and pending State legislative issues and policies.
Related Policies: Pursuant to the 2006 State Legislative Agenda adopted by the City Council on December 13, 2005
Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Bridget Schwartz-Manock, Intergovernmental Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov

Staff provided a presentation outlined as follows:

- State Shared Revenues – SB 1408
  - Bill has died
- Photo Enforcement – SB 1146
  - Awaits a vote on the House floor
- Regulatory Takings – SCR 1019 and HCR 2031
  - SCR 1019 awaits vote on the House floor
  - HCR 2031 failed
- Preparation of Ballots – SB 1067
  - This bill could limit access to early voting

Council discussion on SB 1067:

- Some Council members were concerned about the probable decrease in the number of mail-in ballots if this bill were passed.
- Councilman Lane questioned the initial purpose of the amendment, explaining that the Council would likely be supportive of the bill if a legitimate election security issue exists. Ms. Schwartz-Manock said she would be better able to explain the original intent of the bill after she listened to testimony at the committee hearing to be held the next day; however, she believes the intent of the amendment could be related to Proposition 200.
- Council provided staff direction to oppose SB 1067.

PUBLIC COMMENT - None

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:51 P.M.

SUBMITTED BY:

Sandra K. Dragman

Sandy Dragman
Recording Secretary

REVIEWED BY:

Carolyn Jagger

Carolyn Jagger
City Clerk

Officially approved by the City Council on May 2, 2006

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 4th day of April 2006.

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

DATED this 2nd day of May 2006.

CAROLYN JAGGER
City Clerk

PETITION
TO THE COUNCIL
FOR THE CITY OF SCOTTSDALE

WE, THE UNDERSIGNED, AS RESIDENTS OF THE CITY OF SCOTTSDALE, STATE OF ARIZONA, COUNTY OF MARICOPA, HEREBY PETITION THE COUNCIL OF THE CITY OF SCOTTSDALE, PURSUANT TO THE CHARTER OF THE CITY OF SCOTTSDALE, AS FOLLOWS:

WHEREAS THE NUMBER OF NON-RESIDENTIAL USES IN RESIDENTIAL NEIGHBORHOODS HAVE INCREASED AND AFFECTED NEIGHBORHOODS ALL OVER THE CITY; AND

WHEREAS THE TRAFFIC GENERATED BY SAID INCREASE IN USES HAS HAD A NEGATIVE IMPACT ON MORE THAN ONE NEIGHBORHOOD DUE TO INCREASED TRAFFIC AND PARKING REQUIREMENTS GENERATED BY SAID INCREASED NON-RESIDENTIAL USE; AND

WHEREAS SAID NON-RESIDENTIAL USES HAVE, ON MORE THAN ONE OCCASION, BEEN VERY AGGRESSIVE AT PARKING ON NEIGHBORHOOD STREETS, TRAILS, USE PERMITTED PROPERTIES NOT APPROVED AS A MULTIUSE PARKING LOT, VACANT LOTS, DESIGNATED NAOS AND EVEN THEIR OWN FIRE LANES; AND

WHEREAS THE ALTERNATIVE TO SUCH INTRUSIVE ACTIVITY IS THE CONVERSION OF MORE RESIDENTIAL PROPERTY TO PARKING LOT STATUS WITH ASPHAULT, LIGHTS AND OTHER UNATTRACTIVE LAND USE CHANGES IN SAID RESIDENTIAL NEIGHBORHOODS; AND

WHEREAS IT IS APPARENT FROM THE ABOVE THAT THE FORMULAS USED BY THE CITY OF SCOTTSDALE TO CALCULATE PARKING SPACES NEEDED FOR SUCH NON-RESIDENTIAL USES ARE NOT ADEQUATE AND DO NOT TAKE INTO ACCOUNT SUCH VARIABLES AS GROWTH OF THE ACTIVITY, PLANNED AND OTHERWISE, SPECIAL EVENTS, HOLIDAY USES, OVERLAP OF DROP OFFS AND PICK-UP AT SCHOOLS , OVERLAP OF SERVICES AT CHURCHES AND THE CHANGE IN NUMBER AND TIMES OF SUCH SERVICES; AND

WHEREAS WITH THE EXCEPTION OF USE PERMITTED ACITIVITIES, THE CITY OF SCOTTSDALE HAS NO CONTROL OVER THESE VARIABLES ONCE THE PARKING LOTS ARE CONSTRUCTED; AND

WHEREAS MOST PEOPLE DO NOT WANT TO LIVE NEXT TO ACRES OF ASPHAULTED PARKING LOTS WITH HUNDREDS OF CARS, MOSTLY FROM OUTSIDE THEIR NEIGHBORHOOD , LEADING TO A NEGATIVE IMPACT ON PROPERTY VALUES AND QUALITY OF LIFE OF RESIDENTS OF SAID NEIGHBORHOODS, RESULTING IN A DOMINO AFFECT WITH DESTABILIZATION OF SAID NEIGHBORHOODS RESULTING IN MORE RESIDENTAL PROPERTY BEING SOLD AND CONVERTED TO ENLARGE EXISTING NON-RESIDENTAL FACILITIES; AND

WHEREAS EXISTING CITY CODES REGULATING BUFFERING OF PARKING LOTS TO MINIMIZE THEIR VISUAL OFFENSIVENESS ARE POORLY WRITTEN AND POORLY ENFORCED BY THE CITY OF SCOTTSDALE.

THEREFORE, WE PETITION THIS COUNCIL AS FOLLOWS:

THAT FORMULAS USED TO CALCULATE NEEDED PARKING FOR NON-RESIDENTIAL USES IN RESIDENTIAL NEIGHBORHOOD SUCH AS CHURCHES AND CHARTER SCHOOLS BE STUDIED AND ALTERED TO REFLECT MORE REALISTIC INTENSITIES OF USE AND PARKING REQUIREMENTS; AND

THAT DUE TO THE HIGH NUMBERS OF SUCH USES LIKE SCHOOLS AND CHURCHES, A LIMIT BE PLACED ON THEIR DENSITY I.E. HOW MANY PARKING LOTS CAN BE CONSTRUCTED IN ANY ONE AREA; AND

THAT THE SIZE OF PARKING LOTS BE LIMITED TO REFLECT THE CHARACTER OF DIFFERENT NEIGHBORHOODS AND SPECIFIC DESIGN CRITERIA BE CAREFULLY IDENTIFIED TO COMPLEMENT AND BUFFER THESE PARKING AREAS FROM SAID NEIGHBORHOODS; AND

THAT CODE ENFORCEMENT TOOLS BE IMPLEMENTED TO INSURE COMPLIANCE OF THESE NON-RESIDENTIAL USES, INCLUDING WEEKEND USE; AND

THAT NO OFF SITE PARKING BE ALLOWED IN THESE NEIGHBORHOODS THAT HOST SUCH NON-RESIDENTIAL USES; AND

THAT LIMITS BE PLACED ON HOW MUCH GROWTH THESE NON-RESIDENTIAL USES CAN EXPECT TO EXPERIENCE IN ANY ONE OR ADJACENT LOCATION IN SAID NEIGHBORHOOD; AND

THAT DUE TO THE ENORMOUS IMPACT OF THESE PARKING LOTS FOR NON-RESIDENTIAL USES, AND THE LACK OF OVER-SIGHT AND

CONTROL THAT THE CITY HAS OVER SAID PARKING LOTS ONCE THEY ARE CONSTRUCTED IN RESIDENTIAL NEIGHBORHOODS, THAT THESE STUDIES AND ACTIONS BE GIVEN HIGH PRIORITY AND NO FURTHER PARKING LOTS BE APPROVED IN ANY RESIDENTIAL NEIGHBORHOOD UNTIL THIS INTOLERABLE SITUATION IS CORRECTED.

DATED THIS 6TH DAY OF MARCH, 2006

RESPECTIVELY SUBMITTED;

NAME	ADDRESS	DATE
Alan Rohan	9909 E Paradise Dr	3/21/06
Susan A Wheeler	9616 E Kalil Dr	3/21/06

PETITION
TO THE COUNCIL
FOR THE CITY OF SCOTTSDALE

WE, THE UNDERSIGNED, AS RESIDENTS OF THE CITY OF SCOTTSDALE, STATE OF ARIZONA, COUNTY OF MARICOPA, HEREBY PETITION THE COUNCIL OF THE CITY OF SCOTTSDALE, PURSUANT TO THE CHARTER OF THE CITY OF SCOTTSDALE, AS FOLLOWS;

WHEREAS THE NUMBER AND SIZE OF CHURCHES IN RESIDENTIAL NEIGHBORHOODS HAVE INCREASED, DISPROPORTIONATELY WITH SOME AREAS OF THE CITY AFFECTED MORE THAN OTHERS: AND

WHEREAS THESE USES HAVE AN IMPACT ON NEIGHBORHOODS THAT MAY INCLUDE INCREASED TRAFFIC, DECLINE IN PROPERTY VALUES, ALTERATIONS IN CHARACTER AND AESTHEICS AND NEGATIVE IMPACT ON QUALITY OF LIFE; AND

WHEREAS OTHER CITIES DO IMPLEMENT USE PERMITS FOR CHURCHES AS DID SCOTTSDALE AT ONE TIME; AND

WHEREAS WITH THE EXCEPTION OF ORDINANCES THAT ARE POORLY WRITTEN AND POORLY INFORCED, THE CITY HAS ABSOLUTLEY NO CONTROL OVER THESE SOMETIMES VERY INTENSE USES THAT HAVE ENORMOUS IMPACTS ON NEIGHBORHOODS; AND

WHEREAS THERE IS NO PROCESS IN THE CURRENT SYSTEM TO ALLOWS STIPULATIONS TO BE PLACED ON THESE USES OR TO HOLD THEM ACCOUNTABLE FOR VIOLATIONS IN THE AGREEMENTS THAT THEY ENTER INTO WITH UNSUSPECTING NEIGHBORS.

THEREFORE, WE PETITION THIS COUNCIL AS FOLLOWS;

THAT ALL CHURCHES BE SUBJECT TO STIPULATIONS THROUGH THE USE PERMIT PROCESS WITH APPROPRIATE PENALITIES FOR VIOLATIONS OF SAID STIPULATIONS; AND

THAT NO NEIGHBORHOOD BE ALLOWED TO CARRY A DISPROPORTIONATE NUMBER OF SUCH USE PERMITS AND THAT THAT NUMBER OF ALLOWED PERMITS SHOULD TAKE INTO CONSIDERATION THE CHARACTER OF THE NEIGHBORHOOD AND THE UNDERLYING ZONING CATEGORY; AND

THAT THIS USE PERMIT PROCESS BE IMPLEMENTED IN A PRIORITY MANNER SINCE ONCE AN AREA IS AFFECTED, IT CANNOT GO BACK TO RESIDENTIAL STATUS.

DATED THIS 3RD DAY OF APRIL, 2006.

RESPECTIVELY SUBMITTED:

NAME	ADDRESS	DATE
Glenn Broker	9909 E Paradise Dr 85260	4/3/6
Susan O Wheeler	9616 E. Kalil 85260	4/4/06

More than 9,000 Scottsdale voters signed a referendum petition to refer to the Scottsdale voters the City Council's Adoption of Ordinance 3658 and Resolution No. 6802 (as modified and adopted). Pursuant to Article Two § 16 of the Scottsdale City Charter, we the undersigned residents of Scottsdale, in an effort to spare the City from a divisive election, do hereby petition the Scottsdale City Council to adopt the following attachment in lieu of the portions of the Scottsdale ordinance which have been referred to the voters.

Signature	Printed Name	Address
	DAVID S. RAJPUT	7637 E EDGEMONT AVE SCOTTSDALE AZ. 85257

SEXUALLY ORIENTED BUSINESSES

SEC. 16.236. FINDINGS

~~(5) THE COUNCIL FINDS THAT LIMITING PROXIMITY AND CONTACT BETWEEN SEXUALLY ORIENTED BUSINESS EMPLOYEES AND PATRONS PROMOTES THE GOAL OF REDUCING PROSTITUTION AND OTHER CASUAL SEXUAL CONDUCT AND THE ATTENDANT RISK OF SEXUALLY TRANSMITTED DISEASES. THE COUNCIL FINDS THE FOREGOING TO BE TRUE WITH RESPECT TO PLACES WHERE ALCOHOL IS SERVED AND WHERE IT IS NOT. THE COUNCIL FINDS THAT INDIVIDUAL AND INTERACTIVE SEXUAL ACTIVITY IN ADULT VIDEO FACILITIES POSE A RISK OF SEXUALLY TRANSMITTED DISEASE, INCLUDING AIDS, AND THAT THE VIEWING ROOM REGULATIONS OF THIS ARTICLE WILL REDUCE THAT RISK.~~

SEC. 16-237. DEFINITIONS.

NUDE MEANS THE SHOWING OF THE MALE OR FEMALE GENITALS, PUBIC AREA, VULVA~~,~~ OR ANUS ~~OR ANAL CLEFT~~ WITH LESS THAN A FULLY OPAQUE COVERING, ~~OR THE SHOWING OF THE FEMALE BREAST WITH LESS THAN A FULLY OPAQUE COVERING OF ANY PART OF THE NIPPLE. THE FULLY OPAQUE COVERING OF THE FEMALE NIPPLE SHALL NOT BE FLESH COLORED.~~

SPECIFIED SEXUAL ACTIVITY MEANS:

(1) INTERCOURSE, ORAL COPULATION, MASTURBATION OR SODOMY; OR

(2) EXCRETORY FUNCTIONS IN CONNECTION WITH ANY OF THE ACTIVITIES IN (1) ABOVE~~.~~, OR

(3) GROPING, CARESSING OR FONDLING THE ANUS, VULVA, GENITALS OR FEMALE BREAST OF ANY OTHER PERSON.

SEC. 16-245. LICENSE REQUIRED.

(B) A SEXUALLY ORIENTED BUSINESS FOR WHICH A LICENSE HAS BEEN ISSUED UNDER THIS ARTICLE MAY CONDUCT

BUSINESS ONLY UNDER THE NAME SPECIFIED IN THE LICENSE. IF THE LICENSED SEXUALLY ORIENTED BUSINESS NOTIFIES THE DIRECTOR IN WRITING OF A CHANGE OF NAME AT LEAST 10 DAYS PRIOR TO THE FIRST USE OF THE NEW NAME, THEN THE LICENSED SEXUALLY ORIENTED BUSINESS MAY UTILIZE THE NEW NAME.

SEC. 16-275. OPERATING REQUIREMENTS – ALL SEXUALLY ORIENTED BUSINESSES.

~~(M) NO PERSON SHALL KNOWINGLY OR INTENTIONALLY APPEAR SEMI NUDE IN A SEXUALLY ORIENTED BUSINESS UNLESS THE EMPLOYEE OR PATRON PERFRMS ON A STAGE THAT CONFORMS WITH THIS ARTICLE.~~

SEC. 16.276. OPERATING REQUIREMENTS – ADULT CABARETS.

~~(B) NO EMPLOYEE SHALL APPEAR SEMI NUDE IN A SEXUALLY ORIENTED BUSINESS UNLESS THE EMPLOYEE IS ON A STAGE AT LEAST EIGHTEEN (18) INCHES ABOVE THE FLOOR LEVEL. ALL PARTS OF THE STAGE SHALL BE AT LEAST SIX (6) FEET FROM ALL PARTS OF ANY AREA WHERE PATRONS MAY BE PRESENT. THE AREA SHALL BE CLEARLY DESIGNATED AND SHALL CONFORM TO THE FLOOR PLAN. THE DESIGNATED AREA SHALL BE SEPARATED FROM THE STAGE BY A BARRIER OR RAILING, THE TOP OF WHICH IS AT LEAST THREE (3) FEET ABOVE THE FLOOR LEVEL.~~

~~(C) NO SEXUALLY ORIENTED BUSINESS EMPLOYEE OR PATRON SHALL EXTEND ANY PART OF HIS OR HER BODY OVER OR BEYOND THE BARRIER OR RAILING.~~

~~(D) NO EMPLOYEE WHO REGULARLY APPEARS SEMI NUDE IN A SEXUALLY ORIENTED BUSINESS SHALL KNOWINGLY OR INTENTIONALLY TOUCH THE PERSON OR CLOTHING OF A PATRON ON THE PREMISES OF A SEXUALLY ORIENTED BUSINESS.~~

~~(E) A PATRON SHALL NOT PLACE MONEY ON THE PERSON OR CLOTHING OF AN EMPLOYEE WHILE THE EMPLOYEE IS SEMI-NUDE.~~

(F) THE ON-SITE MANAGER'S STATION SHALL HAVE AN UNOBSTRUCTED, DIRECT LINE OF SIGHT VIEW OF THE ENTIRE PREMISES, EXCEPT THE RESTROOMS. THE UNOBSTRUCTED LINE OF SIGHT MAY BE WITH THE UNAIDED EYE OR BY CLOSED CIRCUIT VIDEO MONITORING. THE UNOBSTRUCTED, DIRECT LINE OF SIGHT VIEW SHALL NOT BE OBSTRUCTED BY ANY DOORS, CURTAINS, WALLS, MERCHANDISE, DISPLAY RACKS OR OTHER MATERIALS WHENEVER A PATRON IS ON THE PREMISES.