

SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
MONDAY, AUGUST 19, 2013



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

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:02 P.M. on Monday, August 19, 2013, in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane
Vice Mayor Suzanne Klapp
Councilmembers Virginia L. Korte, Robert W. Littlefield, Linda Milhaven,
Guy Phillips and Dennis E. Robbins

Also Present: City Manager Fritz Behring
City Attorney Bruce Washburn
Acting City Treasurer Lee Guillory
City Auditor Sharron Walker
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Daughters of the American Revolution

INVOCATION – Mayor Lane requested a moment of silence.

MAYOR'S REPORT – None

CITY MANAGER'S REPORT – None

PRESENTATIONS/INFORMATION UPDATES – None

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

- John Washington expressed concern that staff was constraining the scope of the Development Review Board's responsibilities.
- Valerie Holmes expressed concerns about loss of quality of life and property values if bars are integrated into McCormick Ranch.

ADDED ITEMS

A1. Added Items

The supporting materials for Item No. 29 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

Request: Vote to accept the agenda as presented or to continue the added item(s) to the September 10, 2013 Council meeting.

MOTION AND VOTE – ADDED ITEMS

Councilman Robbins made a motion to accept the agenda as presented. Vice Mayor Klapp seconded the motion, which carried 7/0.

MINUTES

Request: Approve the Special Meeting Minutes of June 18, 2013; July 1, 2013; and July 2, 2013; Regular Meeting Minutes of June 18, 2013; July 1, 2013; and July 2, 2013; and Executive Session Minutes of June 18, 2013.

MOTION AND VOTE - MINUTES

Councilman Robbins made a motion to approve the Special Meeting Minutes of June 18, 2013; July 1, 2013; and July 2, 2013; Regular Meeting Minutes of June 18, 2013; July 1, 2013; and July 2, 2013; and Executive Session Minutes of June 18, 2013. Vice Mayor Klapp seconded the motion, which carried 7/0.

CONSENT AGENDA

1. **Kelly's at Southbridge Liquor License (44-LL-2013)**
Request: At the request of the applicant, continue to September 24, 2013.
Location: 7117 E. 6th Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Kelly's at Southbridge Conditional Use Permit and In-Lieu Parking Credits (7-UP-2013 and 1-IP-2013)** **Request:** At the request of the applicant, continue to September 24, 2013.
Location: 7117 E. 6th Avenue
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov
3. **Spanish Fly Liquor License (46-LL-2013)**

Item 3 was moved to the Regular Agenda (see Page 8).

4. Double Bogeys Liquor License (47-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.

Location: 14700 N. Frank Lloyd Wright Boulevard, Suite 159

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

5. Grey's Kitchen and Tap Liquor License (48-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.

Location: 4224 N. Craftsman Court

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

6. The Derby Liquor License (49-LL-2013)

Item 6 was moved to the Regular Agenda (see Page 9).

7. Sumo Maya Liquor License (50-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for a new location and owner.

Location: 6560 N. Scottsdale Road, Suite 155

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

8. Mastro's Steakhouse Liquor License (51-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) state liquor license.

Location: 8852 E. Pinnacle Peak Road

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

9. Mastro's City Hall Steakhouse Liquor License (52-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) state liquor license.

Location: 6991 E. Camelback Road

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

10. Clancy's Pub Pizza and Grill Liquor License (53-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a continuation of a series 12 (restaurant) state liquor license for an existing location and owner.

Location: 4432 N. Miller Road, Suite 107

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

- 11. Majerle's Sports Grill Liquor License (54-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a continuation of a series 12 (restaurant) state liquor license for an existing location and owner.
Location: 4425 N. Saddlebag Trail, Suite 101
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 12. Rock & Vine Bar and Grill Liquor License (55-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.
Location: 8900 E. Pinnacle Peak Road, Suite B1
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 13. Birreria Italia Liquor License (56-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.
Location: 15444 N. Greenway Hayden Loop
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 14. Cha Da Thai Liquor License (57-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.
Location: 8989 E. Via Linda, Suite 101
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 15. Slanted Rice Vietnamese Bistro Liquor License (58-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.
Location: 6149 N. Scottsdale Road, Suite 105
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 16. Little Chicago Pizza Liquor License (59-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.
Location: 1645 N. Hayden Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

- 17. Oregano's Pizza Bistro Liquor License (61-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 12 (restaurant) state liquor license.
Location: 3102 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 18. IPic Theaters Liquor License (62-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing location with a new owner.
Location: 15257 N. Scottsdale Road, Suite 230
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 19. Eldorado Scottsdale Liquor License (65-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) state liquor license for a new location and owner.
Location: 6825 E. 4th Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 20. Bad Water Brewing Liquor License (66-LL-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) state liquor license for a new location and owner.
Location: 4216 N. Brown Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 21. Permanent Extension of Premises for Cold Beers and Cheeseburgers (8-EX-2013)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a series 12 (restaurant) state liquor license.
Location: 20831 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 22. Rancho Vista Abandonment (10-AB-2011)**
Request: Adopt **Resolution No. 9501** extending the time to fulfill the conditions for abandoning 16 feet of alley right-of-way adjacent to Lots 1, 2, 3, 21, 22, and 23, and a 454± square-foot area of N. 69th Place adjacent to Lot 23 of the Rancho Vista Subdivision.
Location: 6924 E. Mariposa Drive
Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

23. Morning Vista Partial Abandonment (1-AB-2013)

Request: At the request of the applicant, continue to September 10, 2013.

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

24. MT San Victor Rezoning (3-ZN-2006#2)

Requests:

1. Adopt **Resolution No. 9462** declaring "San Victor Development Plan" as a public record.
2. Adopt **Ordinance No. 4102** approving a zoning district map amendment to amend Planned Community (P-C) zoning from a comparable Multiple-Family Residential (R-5) district and a comparable Commercial Office (C-O) district to a comparable Multiple-Family Residential (R-5) zoning district uses and site development standards; and to further amend the Development Plan for the McCormick Ranch Master Development by approving a new Development Plan for a 5.97± acre parcel.

Location: Southwest corner of E. San Victor Drive and N. 91st Street

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

25. Scottsdale Road Preservation Streetscape Construction Services Contract and Acquisition of Easements

Requests:

1. Adopt **Resolution No. 9474** authorizing CM@Risk Construction Services Contract No. 2013-124-COS with Hunter Contracting Co. in the amount of \$2,915,943.50 for construction of enhancements to Scottsdale Road from Pinnacle Peak Road to Carefree Highway.
2. Adopt **Resolution No. 9475** authorizing purchase of various rights-of-way necessary to construct the aerial utility conversion of public utilities between Pinnacle Peak Road and Ashler Hills Drive; and authorizing agreements with the Arizona State Land Department for construction over their properties.

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

Mayor Lane opened public testimony.

- Bob Cappel, Scottsdale citizen, spoke in support of the Scottsdale Road enhancements project.

Mayor Lane closed public testimony.

26. North Corp Yard Wireless License Agreement

Request: Adopt **Resolution No. 9364** approving License Agreement No. 2013-046-COS with Alltel Communications Southwest, dba Verizon Wireless, LLC, permitting the continued operation of an existing wireless site at the North Corp Yard.

Location: 9191 E. San Salvador Drive

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

27. Storm Water Management On-Call Engineering Services Contracts

Request: Adopt **Resolution No. 9507** authorizing the following on-call engineering services contract modifications for the second option year for storm water management projects:

1. Contract No. 2010-140-COS-A2 with Gavan and Barker, Inc.
2. Contract No. 2010-141-COS-A2 with Cardno WRG, Inc.

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

28. Intelligent Transportation Systems On-Call Engineering Services Contract

Request: Adopt **Resolution No. 9506** authorizing On-Call Engineering Services Contract Modification No. 2010-026-COS-A2 with Lee Engineering, LLC for the second option year for Intelligent Transportation Systems projects.

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

29. Skysong Ground Lease Amendment

Item 29 was moved to the Regular Agenda (see Page 9).

30. Skysong Public Utility Easement Adjustments

Request: Adopt **Resolution No. 9498** removing certain portions of the public utility corridor as designated by Resolution No. 7722.

Location: South of McDowell Road and east of Scottsdale Road

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

31. 2013 Edward Byrne Memorial Justice Assistance Grant

Request: Adopt **Resolution No. 9463** to authorize:

1. Contract No. 2013-095-COS with Maricopa County to accept the City's portion of the 2013 Edward Byrne Memorial Justice Assistance Grant in the amount of \$28,126 to purchase an interoperability platform with private radio systems to aid in facilitating emergency services.
2. A budget transfer in the amount of \$28,126 from the FY 2013/14 Future Grants Budget and/or Grant Contingency Budget to the grant center established to record the related grant activity.

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

32. Police Department K9 Unit Budget Appropriation Transfer

Request: Adopt **Resolution No. 9465** authorizing a budget appropriation transfer in the amount of \$200,000 from the FY 2013/14 Special Programs Fund Operating Contingency to the Police Department's Special Programs Operating Budget for the addition of a new dog and associated expenses for the K9 unit, which will be funded with a private donation.

Staff Contact(s): Alan Rodbell, Public Safety Executive Director, 480-312-1900, arodbell@scottsdaleaz.gov

33. Hospitality Trolley Service Renewal

Request: Adopt **Resolution No. 9499** authorizing staff to renew peak visitor season Hospitality Trolley service beginning approximately December 26, 2013 and ending approximately March 31, 2014, to be funded from available FY 2012/13 Special Revenue Fund for Tourism Development carry over funds not to exceed \$180,000.

Staff Contact(s): Danielle Casey, Economic Development Director, 480-312-7601, dcasey@scottsdaleaz.gov

34. Transit Services Intergovernmental Agreement

Request: Adopt **Resolution No. 9368** authorizing Intergovernmental Agreement No. 2013-047-COS with the Regional Public Transportation Authority for the purpose of providing fixed route and express bus services, East Valley Dial-a-Ride service, and New Freedom grant funding transportation service, for a total cost to the City of \$1,446,745 and revenues in the amount of \$100,000.

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

MOTION AND VOTE - CONSENT AGENDA

Councilmember Korte made a motion to approve Consent Items 1 through 34, absent Items 3, 6, and 29. Councilwoman Milhaven seconded the motion, which carried 7/0.

REGULAR AGENDA

3. Spanish Fly Liquor License (46-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) state liquor license for an existing location with a new owner.

Location: 4341 N. 75th Street

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

Current Planning Director Tim Curtis reviewed the Spanish Fly Liquor License application.

MOTION NO. 1 AND VOTE - ITEM 3

Councilman Littlefield made a motion to forward a recommendation to the State liquor board that they not approve the liquor license transfer. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

MOTION NO. 2 AND VOTE - ITEM 3

Councilman Robbins made a motion to approve forwarding the Spanish Fly liquor license recommendation to the Arizona Department of Liquor Licenses and Control. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

6. The Derby Liquor License (49-LL-2013)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) state liquor license for a new location and owner.

Location: 4420 N. Saddlebag Trail, Suite 100

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

Current Planning Director Tim Curtis provided an overview of the liquor license application.

MOTION NO. 1 AND VOTE - ITEM 6

Councilman Littlefield made a motion to send a recommendation to the State liquor board to deny the liquor license. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

MOTION NO. 2 AND VOTE - ITEM 6

Councilman Robbins made a motion to approve forwarding The Derby liquor license recommendation to the Arizona Department of Liquor Licenses and Control. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

29. Skysong Ground Lease Amendment

Request: Adopt **Resolution No. 9503** authorizing Contract No. 2004-119-COS-A4, the fourth amendment to the ground lease with ASU Foundation for the SkySong property.

Location: Southeast corner of McDowell Road and Scottsdale Road

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

City Engineer Derek Earle gave a presentation on the SkySong ground lease amendment.

Mayor Lane opened public testimony.

- John Washington, Scottsdale citizen, spoke in opposition to the SkySong ground lease amendment.

Mayor Lane closed public testimony.

MOTION NO. 1 AND VOTE - ITEM 29

Councilman Littlefield made a motion to not adopt Resolution No. 9503. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Klapp; and Councilmembers Korte, Milhaven, and Robbins dissenting.

MOTION NO. 2 AND VOTE - ITEM 29

Councilwoman Milhaven made a motion to adopt Resolution No. 9503 authorizing Contract No. 2004-119-COS-A4, the fourth amendment to the ground lease with ASU Foundation. Councilmember Korte seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

35. The Residences at the Borgata Non-Major General Plan Amendment and Rezoning (7-GP-2012 and 18-ZN-2012)

Requests:

1. Adopt **Resolution No. 9459** declaring "Residences at the Borgata Development Plan Public Record" to be a public record.
2. Adopt **Resolution No. 9494** approving a Non-Major General Plan amendment to the City of Scottsdale General Plan 2001 from Commercial Land Use Designation to Mixed Use Land Use Designation on 4.77± acres of a 6.85± acre site for Case No. 7-GP-2012.
3. Adopt **Ordinance No. 4101** approving a zoning district map amendment from Central Business District (C-2) to Planned Unit Development (PUD) district with approval of a Development Plan and Amended Development Standards; finding that the Planned Unit Development (PUD) district criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan to redevelop existing commercial buildings into a four-story building containing 218 residences on 4.77± acres of a 6.85± acre site for Case No. 18-ZN-2012.

Location: 6166 N. Scottsdale Road

Presenter(s): Kim Chafin, Senior Planner

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

Senior Planner Kim Chafin gave a PowerPoint presentation (attached) on the Residences at the Borgata Non-Major General Plan amendment and rezoning request.

John Berry, applicant representative, gave a presentation on the Residences at the Borgata Non-Major General Plan amendment and rezoning request.

Mayor Lane opened public testimony.

The following individuals spoke in support of the Residences at the Borgata Non-Major General Plan amendment and rezoning request:

- Prescott Smith – read letters on behalf of Anna Borshch of European Cleaners and Robert Nuttall of Dolce Spa & Salon (attached)
- Michael Rubinoff, Scottsdale citizen
- Howard Pynn, Scottsdale citizen
- Joe Galli, Scottsdale citizen
- Arnold Roy, Scottsdale citizen
- Paul Alessio, Scottsdale citizen
- Lyndacille Lamb, Scottsdale citizen
- Lai Fong Wong, Scottsdale citizen
- Richard Nielsen, Scottsdale citizen
- Milton Masson, Scottsdale citizen
- Joseph Glenn, Scottsdale citizen
- Yvonne Wilson, Scottsdale citizen
- Chris Pleiter, Scottsdale citizen
- Jack Pleiter, Scottsdale citizen
- Bridget Nielsen – read a letter on behalf of Pam Kirby, President of the Scottsdale Unified School District Governing Board (attached)
- Whitney Boulware, Scottsdale citizen
- Lori Evans, Scottsdale citizen
- Karolina Donis, Scottsdale citizen

The following individuals spoke in opposition to the Residences at the Borgata Non-Major General Plan amendment and rezoning request:

- Ron Fanzo, Scottsdale citizen – referenced a letter from the Securities and Exchange Commission (attached)
- Thomas Paige, Scottsdale citizen
- Alexandra Duemer, Scottsdale citizen
- Monique Nulle, Scottsdale citizen

Mayor Lane closed public testimony.

MOTION - ITEM 35

Councilman Phillips made a motion to postpone 7-GP-2012 and 18-ZN-2012 until the Council receives a ruling from the Zoning Administrator as to the validity of the zoning protest. Councilman Littlefield seconded the motion. No vote taken.

ALTERNATE MOTION AND VOTE - ITEM 35

Councilwoman Milhaven made an alternate motion to: 1) adopt Resolution No. 9459; 2) adopt Resolution No. 9494; and 3) adopt Ordinance No. 4101. Vice Mayor Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.

36. East Valley Dial-a-Ride Fare Increase Schedule

Request: Adopt Resolution No. 9500 to:

1. Approve the regional recommendation to incrementally increase the East Valley Dial-a-Ride non-ADA base fare as follows: from \$1.00 to \$2.50 on October 1, 2013; from \$2.50 to \$4.00 on July 1, 2014; and thereafter increase the non-ADA fare as the ADA fare is increased to maintain uniformity.
2. Change the non-ADA fare from a charge per zone to a charge per mile on October 1, 2013.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651,
pbasha@scottsdaleaz.gov

Transportation Director Paul Basha gave a PowerPoint presentation (attached) on the East Valley Dial-a-Ride fare increase schedule.

MOTION AND VOTE - ITEM 36

Councilmember Korte made a motion to adopt Resolution No. 9500 authorizing approval of the regional recommendation to increase the East Valley Dial-a-Ride non-ADA base fare from \$1.00 to \$2.50 on October 1, 2013; increase the base fare again from \$2.50 to \$4.00 on July 1, 2014; and thereafter increase the non-ADA fare as the ADA fare is increased to maintain uniformity and change the charge per zone to a charge per mile on October 1, 2013. Councilwoman Milhaven seconded the motion, which carried 6/1, with Councilman Phillips dissenting.

MAYOR AND COUNCIL

- 37. Initiate City Council Review of the Development Review Board's August 1, 2013 Decision Regarding 15-DR-2013 (The Vig at Paseo Village) Request:** At the request of Councilman Littlefield, consider whether to initiate a formal City Council review of the Development Review Board's August 1, 2013 decision, which approved the site plan, building elevations, and landscape plan for The Vig at Paseo Village, 7345 N. Via Paseo Del Sur.
- Related Policies, References:** City Charter Article I, § 3(H); City Code § 1.907 regarding Reviews of Development Review Board Decisions; Development Review Board Case 15-DR-2013 and its staff report, attachments, draft minutes and public comment.
- Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov; Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov.

MOTION AND VOTE - ITEM 37

Councilman Littlefield made a motion to initiate a formal review of the Development Review Board's August 1, 2013 decision regarding 15-DR-2013. Councilman Phillips seconded the motion, which failed 3/4, with Mayor Lane, Vice Mayor Klapp, and Councilmembers Korte and Robbins dissenting.

Public Comment – None

CITIZEN PETITIONS

- 38. Receipt of Citizen Petitions**
- 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

No citizen petitions were received.

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

With no further business to discuss, the Regular Meeting adjourned at 7:16 P.M.

SUBMITTED BY:



Carolyn Jagger
City Clerk

Officially approved by the City Council on _____

C E R T I F I C A T E

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 19th day of August 2013.

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

DATED this 10th day of September 2013.

Carolyn Jagger, City Clerk

Item 35

The Residences at the Borgata

18-ZN-2012 & 7-GP-2012

City Council
August 19, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

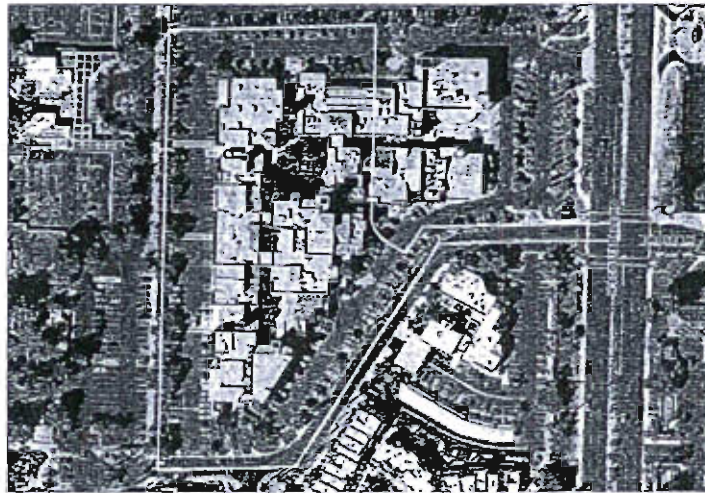
The Residences at the Borgata



CONTEXT AERIAL

18-ZN-2012

The Residences at the Borgata



CLOSE-UP AERIAL

18-ZN-2012

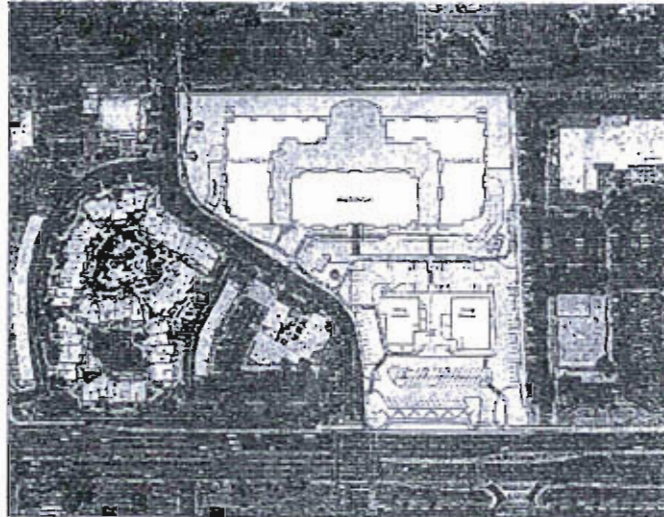
The Residences at the Borgata

Process:

1. DRB - review of PUD application
2. Planning Commission – recommend to Council on PUD criteria & Development Plan with Amended Development Standards for rezoning to PUD & non-major General Plan amendment
3. City Council – review/approval on Development Plan for rezoning to PUD & non-major General Plan amendment
4. DRB - review of Development Review application

18-ZN-2012

The Residences at the Borgata

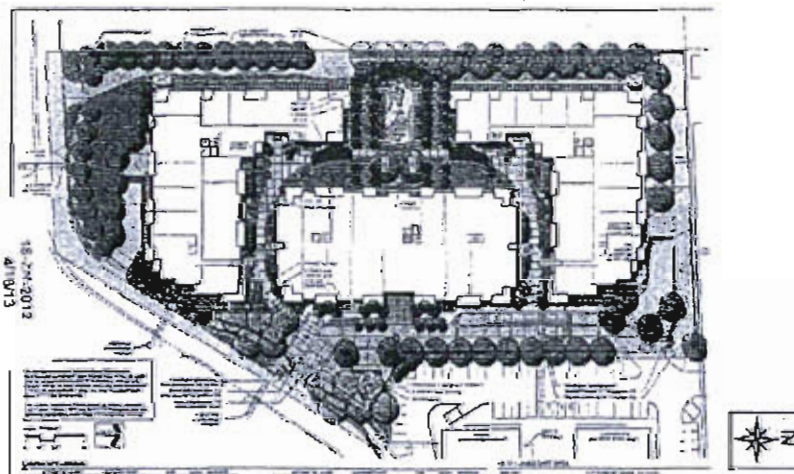


Pedestrian Circulation Plan

Pedestrian Circulation Plan

18-ZN-2012

The Residences at the Borgata



Landscape Plan

18-ZN-2012

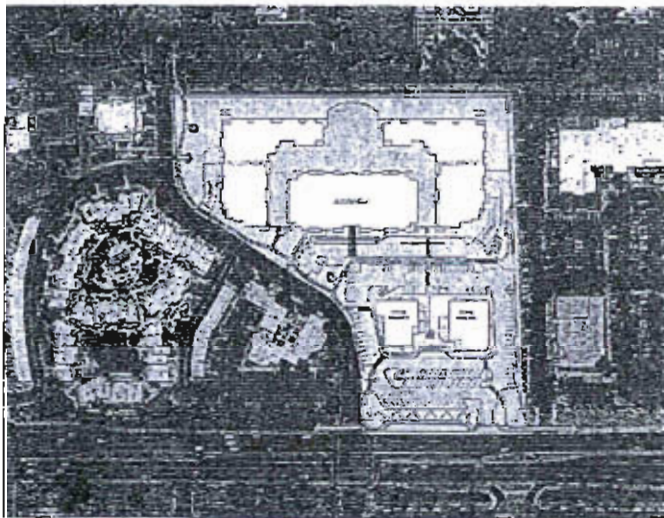
The Residences at the Borgata

Proposed amended development standards:

1. Reduce building setback from 25 ft. to 20 ft. and eliminate the requirement for average maximum building setback of 30 feet
2. Measure inclined stepback from point 24 ft. *above grade* of residential zoning district boundary (instead of at grade on boundary) to allow building to encroach into required inclined stepback

18-ZN-2012

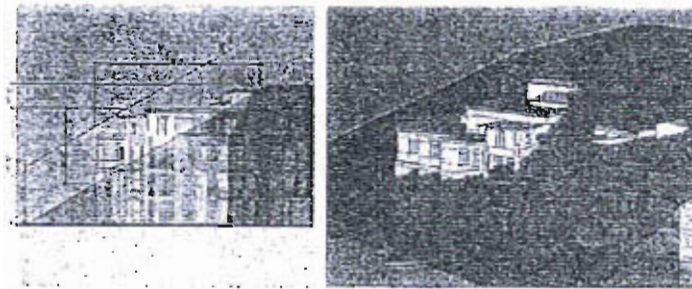
The Residences at the Borgata



Pedestrian Circulation Plan

18-ZN-2012

The Residences at the Borgata



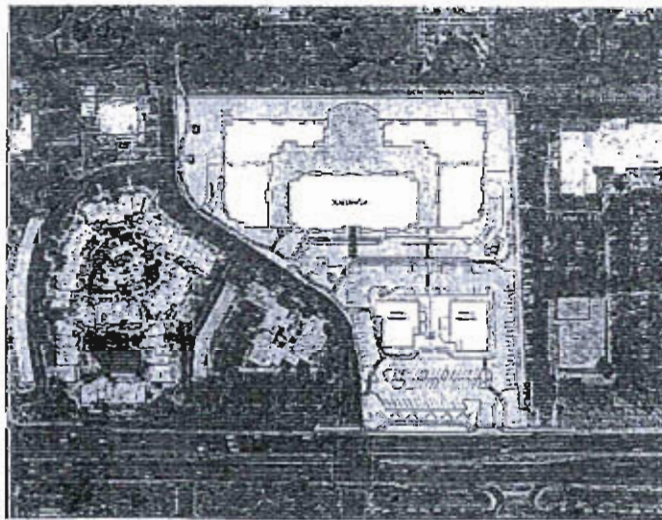
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Building Stepback Analysis
Maplewood is a 100-foot-tall building (100-foot-tall)

Building Stepback Analysis

18-ZN-2012

The Residences at the Borgata



Proposed Pedestrian Circulation Plan
Maplewood is a 100-foot-tall building (100-foot-tall)

Pedestrian Circulation Plan

Pedestrian Circulation Plan



18-ZN-2012

The Residences at the Borgata



View looking South on Rose Lane



View looking West on Rose Lane



View looking North on Rose Lane



View looking East on Rose Lane

Aerial Perspectives

18-ZN-2012

The Residences at the Borgata



Perspective View - Westward on Rose Lane

18-ZN-2012

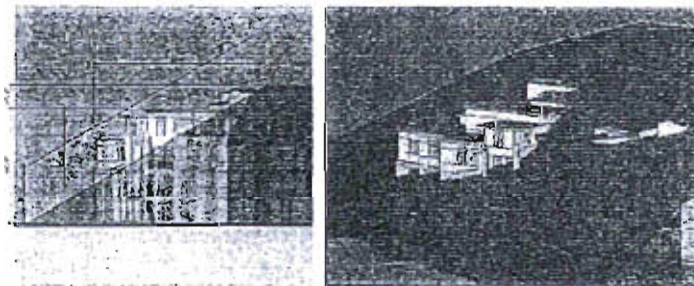
The Residences at the Borgata



Perspective View - Eastward on Rose Lane

18-ZN-2012

The Residences at the Borgata



18-ZN-2012

Building Stepback Analysis
(Depth of building setback shown by dashed line)

Building Stepback Analysis

18-ZN-2012

The Residences at the Borgata

Recommendation:

- Recommend approval of Non-Major General Plan Amendment
- Recommend that PUD criteria have been met & proposed zoning map amendment is consistent & conforms with adopted General Plan
- Recommend approval of rezoning from C-2 to PUD and approval of a Development Plan and Amended Development Standards, per attached stipulations

18-ZN-2012

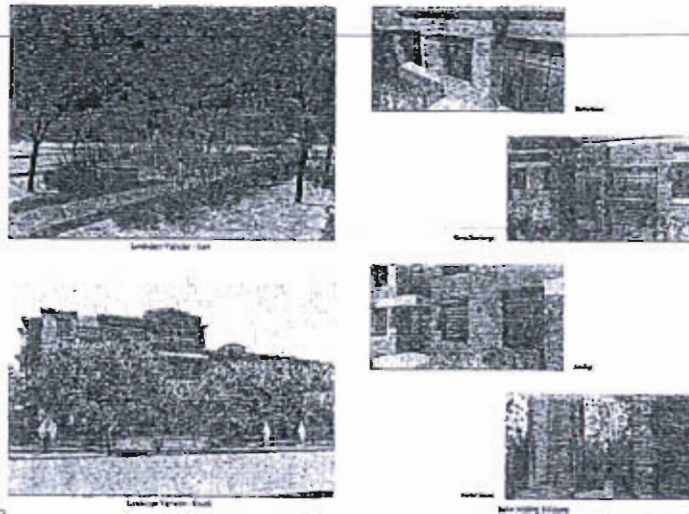
The Residences at the Borgata

CLOSE AERIAL



18-ZN-2012

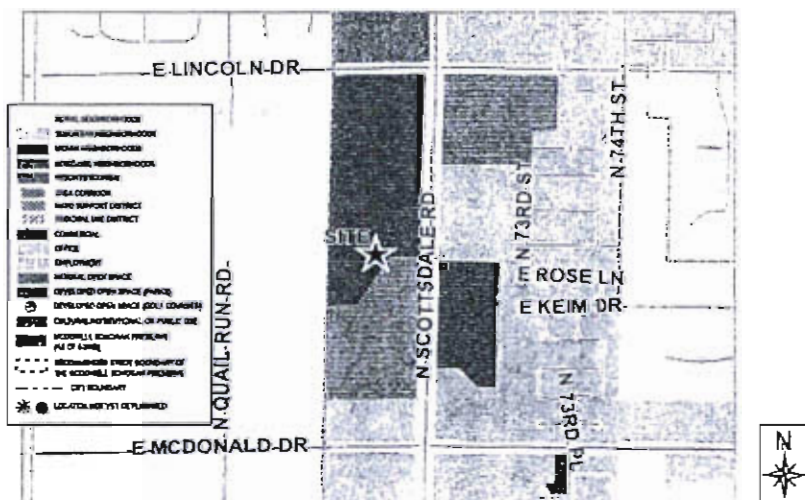
The Residences at the Borgata



Landscape Vignettes and Solar Shading Details

18-ZN-2012

The Residences at the Borgata



LAND USE

18-ZN-2012

The Residences at the Borgata



ZONING MAP

18-ZN-2012

DRAFT

ITEM 35

PUBLIC COMMENT:
Ron Fanzo



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

May 30, 2013

Sean McKessy, Chief
Office of the Whistleblower
Fax: (703) 813-9322
McKessyS@sec.gov

Mr. Ron Fanzo
Ronzbox@yahoo.com

TCR Submission number: TCR1369155044578
Submission dated: May 3, 2013

Dear Mr. Fanzo:

Thank you for the information that you submitted under the SEC's Whistleblower Program. We greatly appreciate your bringing this matter to our attention. The success of the whistleblower program depends on individuals providing the Commission with specific, timely, and credible information.

Members of the staff of the Division of Enforcement may contact you for additional assistance or information. In addition, we encourage you to submit any additional supporting information or materials that you believe will assist us in analyzing and fully understanding this matter.

As a matter of policy, the SEC conducts its investigations on a confidential basis. The purpose of this policy is to protect the integrity of any investigation from premature disclosure and to protect the privacy of persons involved in our investigations. Accordingly, although working with whistleblowers and their counsel is very important to us, there may be very limited information we can share with you regarding what action, if any, we are taking in response to your submission. I hope you understand these limitations.

The Commission is only authorized to conduct investigations into possible violations of the federal securities laws. You should not expect the Commission to take any actions to the extent your information relates to conduct outside the scope or coverage of the federal securities laws. We may, however, in appropriate circumstances, refer your matter to another regulatory or law enforcement agency.

Thank you again for taking the opportunity to submit your information to us. Efforts by persons such as yourself are critical to the success of this program.

Please do not hesitate to contact the Office of the Whistleblower if you have any questions or concerns.

Best regards,

A handwritten signature of Sean McKessy in black ink, written over a light blue horizontal line.

Sean McKessy

Re: AV Homes, Inc.

European Cleaners

DRAFT

ITEM 35

Anna Borshch

PUBLIC COMMENT:
Prescott Smith

April 17, 2013

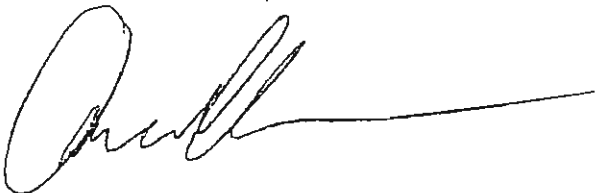
Mayor Lane and City Council
City of Scottsdale
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251

Dear Mayor Lane and City Council Members:

I am writing to urge you to support the newly proposed Residences at Borgata project in Scottsdale. I believe this luxury condominium development will meet a need in the area for this type of residential community. It will also bring new people to the area that will help support the businesses in the community. As a current employee of an adjacent business, I believe this anticipated development will have a huge economic impact to the businesses in the area.

Please don't let this exciting opportunity slip by. Please vote in approval of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anna', followed by a long horizontal line extending to the right.

DRAFT

ITEM 35

PUBLIC COMMENT:
Prescott Smith

August 8, 2013

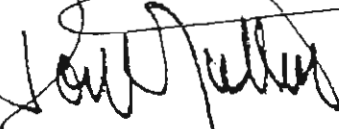
Mayor Lane and City Council
City of Scottsdale
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251

RE: Support of AV Homes

Dear Mayor Lane and City Council Members:

I am writing in regards to the proposed Residences at the Borgata of Scottsdale. I am a current tenant in the Borgata Retail Center and would like to express that AV Homes has been fair and helpful during our relocation process. Earlier this year AV Homes assisted us by allowing Cox Communication to route cabling to our building, so we could connect electronically to our other locations. They have given us several lease extensions to assist with our tenant improvement period at our new location. AV Homes ^{has} worked with us and addressed all our questions, concerns and requests.

Sincerely,



Robert Nuttall
Dolce Spa & Salon



Scottsdale *Unified* School District

Engage, educate and empower every student, every day

EDUCATION CENTER

Office of the Governing Board
3811 North 44th Street
Phoenix, Arizona 85018-5420

Telephone: 480-484-6238
FAX: 480-484-6293
Web site: www.susd.org

June 19, 2013

Mayor Jim Lane & Scottsdale City Council
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor Lane & Council:

I am privileged to serve the public as President of the Scottsdale Unified School District Governing Board. You are undoubtedly familiar with the budget challenges Scottsdale Unified School District is facing in the 2013-14 school year.

Recently, AV Homes, a Scottsdale-based company, which owns and hopes to redevelop the closing Borgata property, stepped up to the plate to support one of our schools: Mohave Middle School.

AV Homes recognized the opportunity of forging a multi-generational partnership between the band and strings programs at Mohave and what will hopefully be a vibrant, future active-adult community. AV Homes came before the SUSD Governing Board in May, 2013, with a meaningful financial commitment to aid the Mohave music programs at some of their most challenging times.

The importance of this goes far beyond a timely donation to this particular school. It conveys confidence in schools located in the southern part of the Scottsdale community and allows SUSD's champions to use it as an example to challenge other companies and corporations to demonstrate citizenship. We need it.

Sincerely,

Pam Kirby
President
Scottsdale Unified School District Governing Board

Item 36

NON-ADA Fare Increase

Federal Transit Authority funding

Requires Dial-A-Ride Services for people with disabilities

Scottsdale allows

Use of Dial-A-Ride Services by:

People with temporary disabilities and people over 65



NOW DIAL-A-RIDE USERS CHARGED

BASE FARE:

People with disabilities \$4.00

People with temporary disabilities or over 65 years old ... \$1.00

PER ZONE FARE

People with disabilities NONE

People with temporary disabilities or over 65 years old ... \$0.50



WITH RESOLUTION
October 1, 2013 to June 30, 2014

BASE FARE:

People with disabilities \$4.00
People with temporary disabilities or over 65 years old \$2.50

ADDITIONAL FARE:

People with disabilities NONE
People with temporary disabilities or over 65 years old
Less than 5 miles NONE
6 to 15 miles \$0.50 PER MILE
More than 16 miles \$1.00 PER MILE



WITH RESOLUTION
On and After July 1, 2014

BASE FARE:

People with disabilities \$4.00
People with temporary disabilities or over 65 years old \$4.00

ADDITIONAL FARE:

People with disabilities NONE
People with temporary disabilities or over 65 years old
Less than 5 miles NONE
6 to 15 miles \$0.50 PER MILE
More than 16 miles \$1.00 PER MILE

