

SCOTTSDALE

# CITY COUNCIL MEETING



## \*\*\*SECOND AMENDED\*\*\* MEETING NOTICE AND AGENDA

**[ADDED MARCH 10, 2009 REGULAR MEETING MINUTES; REWORDED CONSENT AGENDA  
ITEMS 10, 12, AND 13; AND ADDED CONSENT AGENDA ITEM NO. 22A AND MAYOR AND  
COUNCIL ITEMS 28 AND 29]**

### COUNCIL

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

Robert W. Littlefield  
Ron McCullagh  
Tony Nelssen

**Tuesday, March 24, 2009**

**5:00 P.M.**

### CITY COUNCIL MEETING

### MARKED AGENDA

**Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:04 PM**

**Roll Call – ALL PRESENT**

**Pledge of Allegiance – GREATER BOYS AND GIRLS CLUBS OF SCOTTSDALE YOUTH OF THE YEAR FINALISTS**

**Invocation – RYAN HEATH, SCOTTSDALE BIBLE CHURCH**

**City Manager's Report – MR. LITTLE ACKNOWLEDGED CITY EMPLOYEES JOHN GRUTZMACHER AND PAUL BERUMEN FOR THEIR QUICK AND DECISIVE ACTIONS WHEN THEY ASSISTED A CITIZEN AFTER HE WAS BITTEN BY A RATTLESNAKE. THE CITY'S CASH HANDLING PROGRAM WAS CERTIFIED BY THE ASSOCIATION OF PUBLIC TREASURERS OF THE UNITED STATES AND CANADA FOR MEETING ALL CRITERIA FOR ACCOUNTABILITY AND INTERNAL CONTROLS. THE LIBRARY IS COLLABORATING WITH OTHER LIBRARIES IN THE VALLEY TO INTRODUCE THE CULTURE PASS. THE PASS ALLOWS LIBRARY CARD HOLDERS FREE ADMISSION FOR UP TO FOUR PEOPLE AT PARTICIPATING LOCATIONS. THE CITY WAS NOTED IN THE SUNDAY, MARCH 21<sup>ST</sup> NEW YORK TIMES TRAVEL SECTION AND THE ARTICLE FEATURED SEVERAL LOCAL ATTRACTIONS INCLUDING THE SCOTTSDALE MUSEUM OF CONTEMPORARY ART, THE MONDRIAN HOTEL, AND MISSION RESTAURANT.**

**Presentations/Information Updates**

### Approval of Minutes

**- OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

February 24, 2009

February 24, 2009

March 3, 2009

\*\*\*March 10, 2009

March 3, 2009



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).

**Public Comment** – DONALD KING EXPRESSED CONCERN WITH THE POTENTIAL FOR A FATAL ACCIDENT OCCURRING DURING CITY SPONSORED PARKS AND RECREATION DEPARTMENT PROGRAMS. HE SHARED HIS EXPERIENCE OF BEING INJURED WHILE PARTICIPATING IN A MEN'S RECREATIONAL SOFTBALL LEAGUE. JAMES MCCAY SPOKE OF THE CITY'S ANNUAL ENERGY CONSUMPTION AND SAID IT WAS IMPORTANT TO INCREASE THE EFFICIENCY OF THE CITY'S BUILDINGS.

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.**

## **CONSENT AGENDA**      **ITEMS 1-22A**

**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.     **Angels and Outlaws Liquor License (9-LL-2009) – APPROVED ON CONSENT**  
    **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) liquor license for an existing location with a new owner.  
    **Location :** 6990 E. Shea Boulevard, Suite 101  
    **Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
  
2.     **The Bamboo Club Liquor License (10-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:** 8624 E. Shea Boulevard  
    **Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
  
3.     **Circle K Store No. 6347 Liquor License (11-LL-2009) – APPROVED ON CONSENT**  
    **Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing business.  
    **Location:** 8202 E. McDowell Road  
    **Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)



# CONSENT AGENDA

Tuesday, March 24, 2009

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- \*\*\*10. **HealthSouth Rehab Hospital Conditional Use Permit (10-UP-1999#2) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA**  
**Request:** Adopt **Resolution No. 7891** approving an amendment to the Conditional Use Permit for the expansion of an existing hospital facility and finding that the conditional use permit criteria have been met.  
**Related Policies, References:** 84-ZN-1987, 20-ZN-1991#4, 96-DR-1999, 10-UP-1999, and 10-AB-2002  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
11. **Southbeach Restaurant Conditional Use Permit (18-UP-2008) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA**  
**Request:** Adopt **Resolution No. 7894** approving the Live Entertainment Conditional Use Permit and finding that the conditional use permit criteria have been met.  
**Location:** 9343 E. Shea Boulevard  
**Related Policies, References:** 11-ZN-2002 and 8-DR-2004  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
- \*\*\*12. **Westcor Aviation Conditional Use Permit (30-UP-2008) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA**  
**Request:** Adopt **Resolution No. 7892** approving a Conditional Use Permit for an off-airport heliport and finding that the conditional use permit criteria have been met.  
**Location:** 15035 N. 73<sup>rd</sup> Street  
**Related Policies, References:** 110-DR-1984, 3-UP-1985, and 9-UP-195  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
- \*\*\*13. **Westcor Aviation Conditional Use Permit (31-UP-2008) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA**  
**Request:** Adopt **Resolution No. 7893** approving a Conditional Use Permit for an off-airport heliport and finding that the conditional use permit criteria have been met.  
**Location:** 7305 E. Greenway Road  
**Related Policies, References:** 77-DR-1987#2 and 57-UP-1984  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
14. **Chiricahua Village at Desert Mountain Replat (5-PP-2000#2) – APPROVED ON CONSENT**  
**Request:** Approve a replat for Desert Mountain Phase III, Unit Thirty-Eight.  
**Location:** 42800 N. Desert Mountain Parkway  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichert@scottsdaleaz.gov](mailto:drichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)



**\*\*\*28. Authority to Govern by Proclamation –**

**MOTION THAT THIS COUNCIL VEST OWNERSHIP OF THE POLICY-RELATED CITIZEN BODIES IN THE COUNCIL AND LIMIT THEIR CREATION, CHANGE, AND TERMINATION TO ACTIONS BY THE COUNCIL – FAILED 3/4 (JL, LB, RL, TN)**

**MOTION TO SPECIFICALLY RATIFY THE CHANNEL 11 COMMITTEE THAT HAS BEEN FORMED OR APPOINTED BY THE MAYOR – WITHDRAWN**

**MOTION TO DIRECT THE RESOLUTION THAT THE MAYOR SHALL HAVE THE POWER TO ESTABLISH AD HOC ADVISORY COMMITTEES OR TASK FORCES WHICH REPORT TO THE MAYOR. ADDITIONALLY, THE MAYOR MAY REQUEST THE ASSISTANCE OF THE CITY MANAGER AND/OR THE CITY CLERK TO ASSIST THE ADVISORY COMMITTEE OR THE TASK FORCE TO BE IN COMPLIANCE WITH THE OPEN MEETING LAW AND, IF APPROPRIATE, PUBLIC RECORD LAWS – OK – 4/3 (WE, SK, RM)**

**Request:** At the request of Vice Mayor McCullagh, discuss, clarify, and take action on authority of the Mayor to govern Scottsdale by proclamation and/or create or constitute commissions, committees, boards, task forces, or any other policy-recommending bodies, in such a way as to limit or diminish the relative influence of the Council on any policy-related decision or resulting the unauthorized commitment of staff, funds, or resources.

**\*\*\*29. Channel 11 Programming – VICE MAYOR McCULLAGH ASKED TO AGENDIZE FOR DISCUSSION AND POSSIBLE ACTION THE CREATION OF AN AD HOC COMMITTEE ON SCOTTSDALE'S CHANNEL 11. THE PURPOSE OF THE COMMITTEE WOULD BE TO UTILIZE CITY STAFF INCLUDING THE CITY ATTORNEY'S OFFICE IN MAKING RECOMMENDATIONS FOR COUNCIL ACTION REGARDING POLICIES, PROCEDURES, PROGRAMMING AND ANY OTHER MATTERS RELATING TO THE CITY'S OPERATION OF CHANNEL 11**

**Request:** At the request of Vice Mayor McCullagh, schedule future discussion and possible action on policies and procedures governing the use of Scottsdale's Channel 11 programming.

**Public Comment – LEON SPIRO PRESENTED TWO PETITIONS TO THE COUNCIL. THE FIRST PETITION ASKS FOR A LEGAL OPINION FROM THE CITY ATTORNEY RELATED TO THE ABANDONMENT OF THE CITY'S INTEREST IN FEDERAL LAND PATENT ROADWAY AND PUBLIC UTILITY EASEMENTS. THE SECOND PETITION REQUESTS THE COUNCIL TO ASK A MEMBER OF THE LEGISLATURE TO SEEK A LEGAL OPINION FROM THE ARIZONA ATTORNEY GENERAL REGARDING THE CITY'S PRESENT ABANDONMENT POLICY REGARDING ROADWAY AND PUBLIC UTILITY EASEMENTS AS DEEDED IN FEDERAL LAND PATENT PARCELS WITHIN THE CITY (GLO PARCELS).**

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**Mayor and Council Items – NONE**

**Adjournment – 7:47 PM**