

WELCOME TO THE SCOTTSDALE CITY COUNCIL MEETING

Tuesday,
January 11, 2011
Regular Meeting



The Scottsdale Mayor and City Council thank you for your interest in local issues and in Scottsdale City government. If you have questions about when or how the Council conducts meetings, please contact the City Clerk's Office at (480) 312-2412.

HOW TO PARTICIPATE

The Council values citizen input and provides opportunities for citizens to speak during regular and special meetings.

Written comments are also accepted and may be submitted on Comment cards, which are available at the City Clerk's table. The Clerk will give the cards to the Mayor and Council for review during the meeting. Your written comments will also be filed as part of the official public record.

IF YOU WISH TO SPEAK AT A PUBLIC MEETING

If you wish to speak to the Council at tonight's meeting, please complete a citizen Comment Card and submit it to the City Clerk. The Mayor will call your name when it is your turn to address the Council.

- **For subjects not listed on the agenda:** You may speak to the Council once under Public Comment at the beginning or the end of each public meeting, but not both. Public Comment at the beginning of the meeting is limited to a total of 15 minutes. The Council will listen to your remarks, but state law prohibits the Council from discussing or taking action on an item that is not on the prepared agenda.
- **For Consent Agenda items:** 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 Comment 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.

- **For Regular Agenda or Public Hearing items:** Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.
- **If you would like someone to speak for your group:** Comment cards for designated speakers and the persons they represent must be submitted together.

SPECIAL NEEDS REQUESTS

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.

WHEN YOU SPEAK

- The Mayor will call your name when it is your turn to speak. Often, the Mayor will read several names to give you notice that your turn is coming up.
- Adjust the microphone so that it is pointed at your mouth, speak clearly, and begin by stating your name and address.
- Please limit your remarks to three minutes, focusing on new or unique information that other speakers have not covered. A light system on the lectern will help you pace your remarks. A green light stays on until you reach the final minute, at which time a yellow light comes on. Please conclude your remarks when the red light comes on.
- If you have handouts for the Council, please give them to the City Clerk, who will distribute the information to the Council and appropriate staff.

WHEN AND WHERE THE COUNCIL MEETS

Council meetings and Work Study Sessions usually begin at 5 p.m. in the City Hall Kiva, 3939 N. Drinkwater Boulevard. The Council begins no new items after 10 p.m., unless members decide to make an exception to this rule. Items not heard on the current night's agenda will be heard at the beginning of the next available Council meeting, unless officially noted.

All meetings are conducted in strict compliance with the Arizona Open Public Meeting Law. The specifics of Executive Sessions and the open meeting law are available at the City Clerk's Office.

All Council meetings are televised on City Cable 11 and normally rebroadcast the following Friday and Saturday evenings at 5 p.m.

Council Meetings. Generally, the Council holds regular public meetings on the first and third Tuesdays of each month, and, if necessary, on the Mondays preceding those Tuesdays. However, the precise schedule can vary, depending on holidays, elections, etc. Tentative City Council meeting dates for the current calendar year are available on the City's Internet website at www.ScottsdaleAZ.gov/council. Or, you may call the City Clerk's Office to verify meeting dates at (480) 312-2412.

Work Study Sessions. Work Study Sessions are held to discuss City issues, provide information to the public, and for staff to receive direction from the Council. Fifteen minutes will be set aside at the beginning of the study session for public comment on items on the prepared agenda.

Executive Sessions. The Mayor and Council may hold Executive Sessions immediately preceding, during and/or after Council meetings.

TO CONTACT THE CITY COUNCIL

Council Office phone (480) 312-2550
Council Office fax (480) 312-7885
E-Mail all Councilmembers at citycouncil@ScottsdaleAZ.gov or go to www.ScottsdaleAZ.gov/council to e-mail them individually.

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

**ADDED ANNOUNCEMENT OF APPOINTMENT TO THE BUDGET REVIEW COMMISSION; REWORDED
REGULAR ITEM NO. 17 AND MAYOR AND COUNCIL ITEM NOS. 19 AND 20; AND MAYOR AND
COUNCIL ITEM NO. 18 WITHDRAWN**

COUNCIL

W.J. "Jim" Lane, Mayor
Lisa M. Borowsky
Suzanne Klapp
Robert W. Littlefield

Ron McCullagh
Linda Milhaven
Dennis E. Robbins

Tuesday, January 11, 2011

Unless an exception is made, the Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (January 25, 2011), unless otherwise noted.

4:00 P.M.

COUNCIL RECEPTION

4:30 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Oath of Office – Incoming City Council, Administered by the Honorable B. Monte Morgan

New Council Seated

Roll Call

One or more members of the City Council may be unable to attend the Council meeting in person, and may participate in one or both meetings telephonically, pursuant to A.R.S. §38-431(4).

Mayor and Council Welcome and Remarks

Pledge of Allegiance

Invocation

City Manager's Report

Presentations/Information Updates



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).

*****Announcement Commission and Task Force Appointments**

- Councilmember Robbins will announce the appointment of Luke Ford to the Budget Review Commission; and the appointment of John Washington to the Channel 11 Programming Commission.
- Councilmember Milhaven will announce the appointment of Bob Berlese to the Budget Review Commission; the appointments of Betty Drake and Jay Petkunas to the 2009 Downtown Task Force; and the appointment of Bob Krahnman to the Channel 11 Programming Commission.

Public Comment

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.**

MINUTES

Request: Approve the Regular Meeting Minutes of December 13, 2010 and December 14, 2010.

CONSENT AGENDA ITEMS 1-16

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. The Napoleon Liquor License (116-LL-2010)

Request: Consider forwarding a request 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: 7134 E. Stetson Drive, Suite 400

Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

2. Sunshine Moon Peking Pub Liquor License (122-LL-2010)

Request: Consider forwarding a request 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: 4175 N. Goldwater Boulevard

Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, January 11, 2011
Page 3 of 7

3. **The Herb Box Liquor License (123-LL-2010)**
Request: Consider forwarding a request to the Arizona Department of Liquor Licenses and Control for a series 7 (beer and wine bar) liquor license for an existing location and owner.
Location: 7134 E. Stetson Drive
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

4. **Mia Francesca's Liquor License (124-LL-2010)**
Request: Consider forwarding a request 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: 20825 N. Pima Road, Building H, Suite 110
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

5. **Permanent Extension of Premises for Chez-Vous (66-EX-2010)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Chez-Vous.
Location: 8787 N. Scottsdale Road, Suite 228
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Scottsdale Place Conditional Use Permit (31-UP-2010)**
Request: Adopt **Resolution No. 8546** approving a Conditional Use Permit for a bank/financial institution without drive through services occupying 2,500± square feet of an existing office building with Service Residential (S-R) zoning, and finding that the conditional use permit criteria have been met.
Location: 5635 N. Scottsdale Road, Building A, Suite 120
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

7. **Narcisse Champagne Lounge at Scottsdale Quarter Conditional Use Permits (32-UP-2010 and 33-UP-2010)**
Requests:
 1. Adopt **Resolution No. 8547** approving a Conditional Use Permit for live entertainment in a 5,404± square-foot establishment with Planned Regional Center (PRC) zoning, and finding that the conditional use permit criteria have been met for Case No. 32-UP-2010.
 2. Adopt **Resolution No. 8548** approving a Conditional Use Permit for a bar use in a 5,404± square-foot establishment with Planned Regional Center (PRC) zoning, and finding that the conditional use permit criteria have been met for Case No. 33-UP-2010.**Location:** 15257 N. Scottsdale Road, Suite 200
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

8. **North Scottsdale Park and Ride Municipal Use Master Site Plan (34-UP-2010)**
Request: Adopt Resolution No. 8549 approving a Municipal Use Master Site Plan for a new park and ride facility on a 8.74± acre site with Industrial Park District (I-1) and Resort/Townhouse Residential District (R-4R) zoning, and finding that the municipal use master site plan criteria have been met.
Location: 13665 N. Scottsdale Road
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov
9. **Minibar at Scottsdale Quarter Conditional Use Permit (36-UP-2010)**
Request: Adopt Resolution No. 8550 approving a Conditional Use Permit for a bar use in a 1,153± square-foot establishment with Planned Regional Center (PRC) zoning, and finding that the conditional use permit criteria have been met.
Location: 15037 N. Scottsdale Road, Suite 160
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov
10. **Live Entertainment at Scottsdale Quarter Conditional Use Permit (37-UP-2010)**
Request: Adopt Resolution No. 8551 approving a Conditional Use Permit for live entertainment on a 28± acre site with Planned Regional Center (PRC) zoning, and finding the conditional use permit criteria have been met.
Location: 15301, 15279, 15169, 15015, 15323, 15257, 15191, 15147, 15389, 15345, 15235, 15125, 15059, and 15037 N. Scottsdale Road
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov
11. **Staab Residence Abandonment (10-AB-2010)**
Request: Adopt Resolution No. 8545 vacating and abandoning public rights-of-way and portions of General Land Office Patent easements with Single Family Residential District, Environmentally Sensitive Lands (R1-43/ESL) zoning.
Location: 13055 E. Cochise Road
Staff Contact(s): Connie Padian, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, cpadian@scottsdaleaz.gov
12. **Intergovernmental Agreements for Drainage Improvement Projects**
Request: Adopt Resolution No. 8553 authorizing the following intergovernmental agreements (IGAs) with Flood Control District of Maricopa County to allow partnership and cost share for three drainage improvement projects:
1. IGA No. 2011-002-COS for 3201 North 66th Street in the amount of \$30,000.
2. IGA No. 2011-003-COS for 69th Place and Windsor Avenue in the amount of \$50,000.
3. IGA No. 2011-004-COS for 69th Place and Avalon Drive in the amount of \$200,000.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
13. **Acceptance of Easement for Via Dona Multi-Use Trail**
Request: Adopt Resolution No. 8496 authorizing the acceptance of a Non-Motorized Access Easement to complete the Via Dona Multi-Use Trail.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, January 11, 2011
Page 5 of 7

14. **Capital Improvement Project Bond 2000 Budget Transfers for Public Safety, Parks and Library, and Neighborhood Flood Control Projects**
Request: Adopt Resolution No. 8563 authorizing budget transfers of Bond 2000 funding totaling approximately \$4,060,000 from completed projects, or projects nearing completion, to make additional funding available for Capital Improvement Project F0201 Granite Reef Watershed.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

15. **Preserve General Obligation Bonds**
Request: Adopt Resolution No. 8518 providing for the competitive or negotiated sale and issuance of up to \$25 million principal amount of Preserve General Obligation bonds; providing the terms concerning the bonds; authorizing the City Treasurer to either accept the proposal for the purchase of the bonds or negotiate a Bond Purchase Agreement; and appointing an initial bond registrar and paying agent for the bonds.
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov

16. **Monthly Financial Report**
Request: Adopt Resolution No. 8562 accepting the November 2010 Monthly Financial Report.
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov

REGULAR AGENDA ITEM 17

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.**

- ***17. **Pilot Program for Premium Trolley Service**
Request: Authorize staff to initiate a minimum 30-day premium trolley service pilot program in January 2011, with a Council approved percentage of the funding to be contributed from private sources and the balance of the funding to be provided by bed tax revenues; setting the maximum amount to be contributed by the City; authorizing City staff to seek the necessary private contributions and enter into sponsorship contracts for the required private funding; and consider adopting Resolution No. 8558 authorizing the Mayor to execute Contract Modification No. 2009-187-COS-A2 with Atypical Transportation Company to operate the pilot program.
Presenter(s): Dave Meinhart, Transportation Director
Staff Contact(s): Dave Meinhart, Transportation Director, 480-312-7010, dmeinhart@scottsdaleaz.gov

Mayor and Council Items begin on following page

Direct stuff - 2-3 only

MAYOR AND COUNCIL

ITEMS 18-21

Tuesday, January 11, 2011
Page 6 of 7

Site Plan Supplement/Trimline

*****18. Membership in the North Scottsdale Chamber of Commerce and Scottsdale Chamber of Commerce**

(Withdrawn)

living element
expectants
clear



*****19. Infill Incentive District Requirement Amendments**

Request: At the request of Councilman Littlefield, discuss, consider, and provide possible direction to staff regarding proposed amendments to the City's Infill Incentive District Plan Requirements, as follows:

1. Require higher Council vote thresholds based on the number of incentives requested.
 - a. The waiver or amendment of one development standard requirement shall require approval from a simple majority of the Council.
 - b. The waiver or amendment of two development standards/requirements shall require an affirmative vote of five Councilmembers.
 - c. The waiver or amendment of three development standards/requirements shall require an affirmative vote of six Councilmembers.
 - d. The waiver or amendment of four or more development standards/requirements shall require the unanimous consent of the Council.

Case by Case Basis - Icky
How to Measure Incentive
To Incentive
Community Benefits

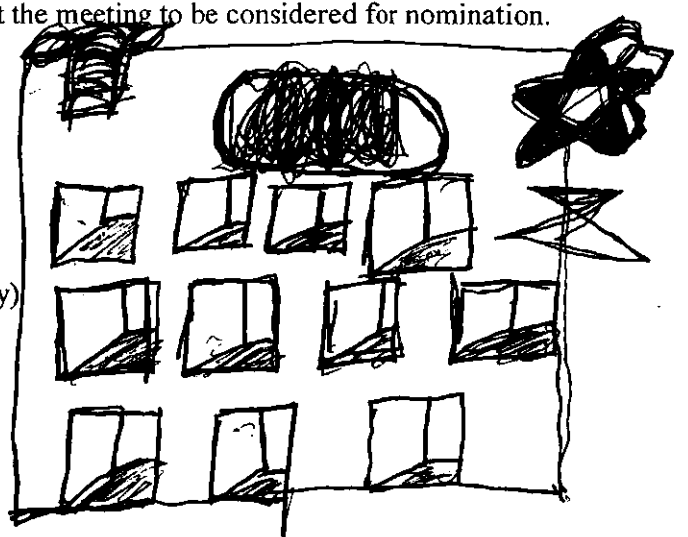
2. The waiving of fees shall not be considered in the increased voting requirements.
2. Require that the amended development standards/requirements be tied to the site plan that is approved by the Council. If a different site plan is built, the amended development standards/requirements become null and void.
3. Require that the amended development standards/requirements be null and void if the project is not built within a time frame specified by the City Council at the time it approves the amended development standards/requirements.

Stronger Criteria
Man's Standard

20. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for January 25, 2011)

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

- Development Review Board (one vacancy)
- Housing Board (one vacancy)
- Human Relations Commission (one vacancy)
- Human Services Commission (one vacancy)
- Library Board (one vacancy)
- Loss Trust Fund Board (one vacancy)
- Neighborhood Enhancement Commission (one vacancy)
- Planning Commission (one vacancy)
- Scottsdale Pride Commission (one vacancy)
- Tourism Development Commission (one vacancy)
- Transportation Commission (one vacancy)



Forwards
Modified
Guidelines

Hand-drawn vertical scribbles and lines on the left margin.

MAYOR AND COUNCIL

Tuesday, January 11, 2011

Page 7 of 7

21. Ethics Refresher Training

On May 2, 2006, the Scottsdale City Council adopted Resolution No. 6879 and Ordinance No. 3675 establishing the City of Scottsdale Public Service Ethics Program and a Code of Ethical Behavior related to elected and appointed officials, which became effective July 1, 2006. The City's Ethics Program and the Code require that the Council members receive annual ethics training.

This ethics training for the City Council will include the following components:

- A discussion of the requirements of the Code of Ethical Behavior that are most frequently implicated in the Council members' activities.
- An update on any changes that might have occurred in the last year and relating to the Code of Ethical Behavior.
- An opportunity for Council members to raise any issues of particular concern to them.

The training session is instructional and informational. No public business will be considered; however, the City Council members may engage in discussion about ethics issues as part of this training session.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

CITIZEN PETITIONS

ITEM 22

Citizen Petitions: This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), *before* discussion begins on this item.

22. 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

Public Comment

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.**

Mayor and Council Items

Adjournment