

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



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

**[ADDED ITEM NOS. A1, 28A AND 33A; MOVED CONSENT ITEM NOS. 18 AND 29  
TO THE REGULAR AGENDA; AND REWORDED ITEM No. 33]**

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### **COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Robert W. Littlefield

Linda Milhaven

Guy Phillips

Dennis E. Robbins

**Tuesday, January 14, 2014**

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*Unless an exception is made, or unless otherwise noted:*

*Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment).*

*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 27, 2014).*

**5:00 P.M.**

**\*\*\* AMENDED \*\*\* MARKED AGENDA**

### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:02 P.M.**

**Roll Call – Councilwoman Klapp absent (arrived at 5:15 p.m.)**

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

**Pledge of Allegiance – Girl Scout Troop 163, Troop Leader Kate Gookin**

**Invocation – Pastor Andre Wadsworth, Impact Church**

**Mayor's Report – Mayor Lane announced that 24/7 Wall Street recognized Scottsdale as being sixth in the nation for best run cities. Some of the reasons for the designation were the City's low crime rate, high bond rating, and educated citizenry.**

**City Manager's Report – None**

**Presentations/Information Updates – None**



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).

### **Possible Executive Session**

Notice is hereby given that at any time during tonight's meeting, the City Council may make a motion to recess into Executive Session to discuss and consider the employment, assignment, reappointment, compensation and benefits of the Presiding Judge and; and/or to discuss and consult with the attorneys for legal advice regarding same. A.R.S. § 38-431.03(A)(1) and (A)(3).

### **Public Comment – John Washington commented on quality of life in Scottsdale as it relates to noise in Downtown.**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

## **ADDED ITEMS**

**Added Items:** Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

### **\*\*\*A1. Added Items**

Consent Item No. 28A was added to the agenda January 9, 2014.

**Request:** Vote to accept the agenda as presented or continue the added item(s) to the next scheduled Council meeting, which is January 27, 2014.

**– Councilwoman Milhaven made a motion to accept the agenda as presented. Councilman Robbins seconded the motion, which carried 6/0, with Councilwoman Klapp absent.**

## **MINUTES**

**Request:** Approve the [Regular/General Plan Amendment Meeting Minutes of November 19, 2013](#); [Special Meeting Minutes of November 20, 2013](#) and [December 9, 2013](#); [Regular Meeting Minutes of December 9, 2013](#) and [December 10, 2013](#); and Executive Session Minutes of December 9, 2013.

**– Councilman Phillips made a motion to approve the Regular/General Plan Amendment Meeting Minutes of November 19, 2013; Special Meeting Minutes of November 20, 2013 and December 9, 2013; Regular Meeting Minutes of December 9 and 10, 2013; and Executive Session Minutes of December 9, 2013. Councilman Robbins seconded the motion, which carried 6/0, with Councilwoman Klapp absent.**

## **CONSENT AGENDA      ITEMS 1-29**

**How the Consent Agenda Works:** The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the 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.

– Councilman Littlefield made a motion to continue Items 34 and 35, the Associate Judge and Presiding Judge reappointments, to January 27, 2014. Councilwoman Milhaven seconded the motion, which carried 6/0, with Councilwoman Klapp absent.

– Councilman Robbins made a motion to approve Consent Items 1 through 28A, absent Items 18 and 29, which were moved to the Regular Agenda. Councilwoman Milhaven seconded the motion, which carried 6/0, with Councilwoman Klapp absent.

1. **Oregano's Pizza Bistro Liquor License (112-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval 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:** 7215 E. Shea Boulevard  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **Fry's Marketplace Store No. 621 Liquor License (113-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 9S (sampling privileges for a liquor store) State liquor license for an existing location and owner.  
**Location:** 8900 E. Via Linda Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **Fired Pie Liquor License (114-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval 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:** 14740 Northsight Boulevard, Suite 101  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **Paul Martin's American Grill Liquor License (115-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval 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:** 6186 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **Bootleggers Liquor License (116-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval 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:** 7217 E. 1st Street  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
6. **Zinburger Scottsdale Quarter Liquor License (117-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new location and owner.  
**Location:** 15257 N. Scottsdale Road, Suite F1-150  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
7. **Union Barrelhouse Liquor License (118-LL-2013) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval 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:** 3636 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

8. **[El Dorado Bar and Grill Liquor License \(119-LL-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) State liquor license for an existing location with a new owner.  
**Location:** 8708 E. McDowell Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
9. **[Vintner's Circle Liquor License \(122-LL-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 13 (domestic farm winery) State liquor license for an existing location with a new owner.  
**Location:** 2765 N. Scottsdale Road, Suite 109  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
10. **[Scramble, A Breakfast Joint Liquor License \(123-LL-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new location and owner.  
**Location:** 6590 N. Scottsdale Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
11. **[Shotgun Betty's Saloon Conditional Use Permit \(9-UP-2005#2\)](#) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met, and adopt  
**Resolution No. 9603** approving an amendment to an existing bar use Conditional Use Permit to expand the hours of operation for an existing bar in a 3,400± square-foot building with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO) zoning.  
**Location:** 7330 E. Stetson Drive  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
12. **[El Santo/Morning Squeeze Conditional Use Permit \(12-UP-2013\)](#) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met, and adopt  
**Resolution No. 9598** approving a Conditional Use Permit for live entertainment for a 3,326± square-foot establishment with Industrial Park (I-1) zoning.  
**Location:** 7301 E. Butherus Drive  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
13. **[Permanent Extension of Premises for Ricky's Tacos & Beer \(10-EX-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a series 12 (restaurant) State liquor license.  
**Location:** 7323 E. Shoeman Lane  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
14. **[Ricky's Restaurant Outdoor Dining License Agreement](#) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9579** authorizing Outdoor Dining License Agreement No. 2013-183-COS with NYSBV Investment, LLC for an outdoor dining patio on City right-of-way.  
**Location:** 7325 E. Shoeman Lane  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

15. **Permanent Extension of Premises for Scottsdale Center for the Performing Arts (12-EX-2013) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a series 5 (government) State liquor license.

**Location:** 7380 E. 2nd Street

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

16. **Permanent Extension of Premises for Don & Charlie's (13-EX-2013) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a series 6 (bar) State liquor license.

**Location:** 7501 E. Camelback Road

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

17. **Scottsdale Bible Church Abandonment (4-AB-2013) – Approved on Consent.**

**Request:** At the request of the applicant, continue to January 27, 2014.

**Location:** 7601 E. Shea Boulevard

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

\*\*\*18. **PCC, PRC, S-S Zoning Ordinance Text Amendments (1-TA-2013, 2-TA-2013, and 3-TA-2013)**

Item No. 18 moved to the Regular Agenda

19. **Transportation On-Call Engineering Service Contracts Modifications – Approved on Consent.**

**Request:** Adopt **Resolution No. 9604** authorizing the following transportation on-call engineering service contract modifications for the fifth year option:

1. On-Call Engineering Services Contract No. 2009-188-COS-A3 with Gavan and Barker, Inc.
2. On-Call Engineering Services Contract No. 2009-189-COS-A3 with Wood Patel and Associates, Inc.
3. On-Call Engineering Services Contract No. 2009-190-COS-A3 with Dibble Engineering, Inc.
4. On-Call Engineering Services Contract No. 2009-192-COS-A3 with URS Corporation.

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

20. **Capital Improvement and Facilities On-Call Structural Engineering Service Contracts – Approved on Consent.**

**Request:** Adopt **Resolution No. 9607** authorizing the following on-call engineering service contracts for one year, with the option to extend for four additional one-year periods:

1. On-Call Engineering Services Contract No. 2014-001-COS with Caruso Turley Scott, Inc.
2. On-Call Engineering Services Contract No. 2014-002-COS with Gannett Fleming, Inc.

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

21. **Scottsdale's Museum of the West Design-Build Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 9609** authorizing Design-Build Manager Construction Services Agreement No. 2014-004-COS with Core/LGE, a Joint Venture, for a guaranteed maximum price of \$11,360,000 for construction of Scottsdale's Museum of the West.

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

22. **Jomax Road Right-of-Way Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 9608** authorizing Right-of-Way Agreement No. 2014-003-COS with the Arizona State Land Department for a water line along Jomax Road from 62<sup>nd</sup> Street to Scottsdale Road.

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

23. **Land Conveyance – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9538** authorizing a land sale with Pelcom, LLC for approximately 0.1 acres of City-owned land, at a price of \$241,725.  
**Location:** West of Scottsdale Road, North of Goldwater Boulevard  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
24. **Scottsdale Road and 2<sup>nd</sup> Street Sidewalk Improvements Development Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9572** authorizing Development Agreement No. 2013-180-COS with SS Phase Two, LLC for the purpose of contributing funds for the removal and reconstruction of a portion of the North Scottsdale Road and East 2<sup>nd</sup> Street sidewalk and related improvements.  
**Location:** 3748 N. Scottsdale Road  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
25. **Fiscal Year 2014/15 Employee Medical Benefits Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9616** authorizing Contract No. 2014-009-COS with Cigna Healthcare to administer medical, pharmacy, dental, employee assistance program, and behavioral health benefits to City employees beginning July 1, 2014, and set the amounts of administrative fees to be paid.  
**Staff Contact(s):** Bruce Davis, Human Resources Executive Director, 480-312-2615, [bdavis@scottsdaleaz.gov](mailto:bdavis@scottsdaleaz.gov)
26. **WaterSMART Grant Application – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9623** authorizing the Water Resources Division to apply for a Bureau of Reclamation WaterSMART grant of up to \$300,000 for a micro-turbine project.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
27. **Disposition and Use of Real Property Code Amendment – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4129** amending Scottsdale Revised Code Section 2-221, Disposition and Use of Real Property, to clarify existing language and add a provision for the administrative approval of minor leases of City property.  
**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
28. **Monthly Financial Report – Approved on Consent.**  
**Request:** Accept the FY 2013/14 Monthly Financial Report as of October 2013.  
**Staff Contact(s):** Judy McIlroy, Budget Director, 480-312-2603, [jmcilroy@scottsdaleaz.gov](mailto:jmcilroy@scottsdaleaz.gov)
- \*\*\*28A. **Wildlife Study Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9624** authorizing Wildlife Study Agreement No. 2014-010-COS with the Arizona Game and Fish Department to secure the assistance and expertise of the department in performing wildlife studies to assist with management of wildlife populations and their habitats within Scottsdale's McDowell Sonoran Preserve.  
**Staff Contact(s):** Kroy Ekblaw, Preserve Director, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov)
- \*\*\*29. **Rockbar Inc. Rezoning and Conditional Use Permit (2-ZN-2001#2 and 2-UP-2001#2)**  
**Requests:**  
Item No. 29 moved to the Regular Agenda

## **REGULAR AGENDA**      **ITEMS 18, 29, AND 30-32**

**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 Request to Speak 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 that item.**

**– Councilwoman Klapp arrived at 5:15 P.M.**

- \*\*\*18.**      **PCC, PRC, S-S Zoning Ordinance Text Amendments (1-TA-2013, 2-TA-2013, and 3-TA-2013)**  
**– Councilman Phillips made a motion not to adopt Resolution No. 9596, Ordinance No. 4123, Resolution No. 9599, Ordinance No. 4124, and Ordinance No. 4126. Councilman Littlefield seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Korte; and Councilmembers Klapp, Milhaven and Robbins dissenting.**  
**\*\*\* – Vice Mayor Korte made a motion to adopt Ordinance No. 4123, Resolution No. 9596, Ordinance No. 4124, Resolution No. 9599, and Ordinance No. 4126. Councilwoman Milhaven seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillips dissenting.**  
**Requests:**  
1. Adopt **Resolution No. 9596** declaring the document entitled “Zoning Ordinance Text Amendment – Planned Community Center (PCC) - 1-TA-2013” as a public record.  
2. Adopt **Ordinance No. 4123** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Article I. (Administration and Procedures), Article III. (Definitions), and Article V. (District Regulations) for the purpose of updating definitions and regulations related to allowable land uses and development standards for the Planned Community Center zoning district for Case No. 1-TA-2013.  
3. Adopt **Resolution No. 9599** declaring the document entitled “Zoning Ordinance Text Amendment – Planned Regional Center (PRC) - 2-TA-2013” as a public record.  
4. Adopt **Ordinance No. 4124** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Article V. (District Regulations) and Article VII. (General Provisions) for the purpose of updating regulations related to allowable land uses and development standards for the Planned Regional Center zoning district for Case No. 2-TA-2013.  
5. Adopt **Ordinance No. 4126** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Article V. (District Regulations) for the purpose of updating regulations related to allowable land uses and development standards for the Support Services (S-S) zoning district for Case No. 3-TA-2013.  
**Presenter(s):** Kira Wauwie, Project Coordination Liaison  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

- \*\*\*29.**      **Rockbar Inc. Rezoning and Conditional Use Permit (2-ZN-2001#2 and 2-UP-2001#2)**  
**– Councilman Robbins made a motion that the Council not adopt Ordinance No. 4125. Councilman Littlefield seconded the motion.**  
**– Councilwoman Milhaven made an alternate motion to approve Ordinance No. 4125 and find that the conditional use permit criteria have been met, and adopt Resolution No. 9600 to allow the service windows to be open for a period of one year. Mayor Lane seconded the motion, which carried 4/3, with Councilmembers Littlefield, Phillips, and Robbins dissenting.**  
**Requests:**  
1. Adopt **Ordinance No. 4125** approving the Zoning District Map Amendment from Downtown/Retail Specialty-Type 1, Downtown Overlay (D/RS-1 DO) to Downtown/Downtown Core-Type 1, Downtown Overlay (D/DC-1 DO) zoning on a 0.06± acre property, and finding that the proposed

Zoning District Map Amendment is consistent and conforms with the adopted General Plan for Case No. 2-ZN-2001#2.

2. Find that the conditional use permit criteria have been met, and adopt **Resolution No. 9600** approving an amendment to the stipulations for an existing Conditional Use Permit for live entertainment use for a location with Downtown/Downtown Core-Type 1, Downtown Overlay (D/DC-1 DO) zoning for Case No. 2-UP-2001#2.

**Location:** 4245 N. Craftsman Court

**Presenter(s):** Dan Symer, Senior Planner

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

30. **Pure Bliss Premium Medibles Conditional Use Permit (10-UP-2013)**

**– Councilman Robbins made a motion to not approve Resolution No. 9554 and find that the use is not compatible with the other uses in the area and the CUP criteria have not been met. Councilman Phillips seconded the motion, which failed 3/4, with Vice Mayor Korte and Councilmembers Klapp, Littlefield, and Milhaven dissenting.**

**– Councilwoman Klapp made a motion to find that the conditional use permit criteria have been met and adopt Resolution No. 9554, approving a Condition Use Permit for medical marijuana use located at 7655 East Evans Road, Suite 5, with Industrial Park District zoning. Vice Mayor Korte seconded the motion which carried 4/3, with Mayor Lane and Councilmembers Phillips and Robbins dissenting.**

**Request:** Find that the conditional use permit criteria have been met, and adopt

**Resolution No. 9554** approving a Conditional Use Permit for a 1,385± square-foot Medical Marijuana Use (Infusion Bakery) with Industrial Park District (I-1) zoning.

**Location:** 7655 E. Evans Road, Suite 5

**Presenter(s):** Greg Bloemberg, Planner

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

31. **Public Hearing on Proposed Water and Wastewater Impact Fees – Water Resources Executive Director Brian Biesemeyer presentation**

**Request:** Conduct a public hearing on proposed changes to water and wastewater impact fees to be effective July 1, 2014.

**Presenter(s):** Brian Biesemeyer, Water Resources Executive Director

**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

32. **Monthly Financial Update – City Treasurer Jeff Nichols presentation**

**Request:** Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of November and December 2013.

**Presenter(s):** Jeff Nichols, City Treasurer

**Staff Contact(s):** Judy McIlroy, Budget Director, 480-312-2603, [jmcilroy@scottsdaleaz.gov](mailto:jmcilroy@scottsdaleaz.gov)

## MAYOR AND COUNCIL

### ITEMS 33-35

- \*\*\*33. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for January 27, 2014)**

**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.



Human Services Commission (*one vacancy*) – **Vice Mayor Korte nominated Donald Nordlund and Councilman Phillips nominated Harold Roth.**

\*\*\*Library Board (*one vacancy*) – **Councilwoman Klapp nominated Christine Naiman and Mayor Lane nominated Teresa Quale.**

Loss Trust Fund Board (*one vacancy*) – **There were no applicants for this board.**

Neighborhood Advisory Commission (*two vacancies*) – **Mayor Lane nominated Todd Becker and Todd Mazon.**

Planning Commission (*one vacancy*) – **Councilwoman Klapp nominated Matthew Cody and Councilman Phillips nominated Robert Rogers.**

Tourism Development Commission (*one non-Hotelier vacancy*) – **Councilman Phillips nominated Richard Alt, Councilwoman Milhaven nominated Camille Hill, and Councilman Robbins nominated Randal Ortiz.**

Trails Subcommittee (*one non-Transportation Commissioner vacancy*) – **Councilman Robbins nominated Michael Kuzel.**

Transportation Commission (*one vacancy*) – **Councilman Phillips nominated Barry Graham and Vice Mayor Korte nominated Steven Olmsted.**

**Note: The only Council action to be taken on Item No. 33 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.**

## MAYOR AND COUNCIL

- \*\*\*33A. **Request to Agendize Initiation of a Process to Determine Whether to Revoke the Conditional Use Permits of Smashboxx, El Hefe Super Macho Taqueria, and Hi-Fi Kitchen & Cocktails – Councilman Littlefield made a motion that the Council agendize the initiation of a process of revoking the conditional use permits of Smashboxx, El Hefe Super Macho Taqueria, and Hi-Fi Kitchen & Cocktails. Councilman Phillips seconded the motion, which failed 2/5, with Mayor Lane; Vice Mayor Korte; and Councilmembers Klapp, Milhaven, and Robbins dissenting.**  
**Request:** At the request of Councilman Littlefield, discuss and provide possible direction to staff to agendize: “Consider initiation of the process to determine whether to revoke the Conditional Use Permits of Smashboxx, El Hefe Super Macho Taqueria, and Hi-Fi Kitchen & Cocktails.”

**Note: The only Council action to be taken on Item No. 33A is a decision on whether to agendize the referenced matter at a future Council meeting. No public comment will be taken at this time.**

34. **[Associate City Judge Reappointment](#) – Continued to January 27, 2014.**  
**Request:** Discuss, consider, and act on the potential reappointment of Statia Hendrix, Associate City Judge, to a term of four years, as set forth in the City Code, to begin on March 9, 2014.  
**Presenter(s):** Bruce Davis, Human Resources Executive Director  
**Staff Contact(s):** Bruce Davis, Human Resources Executive Director, 480-312-2615, [bdavis@scottsdaleaz.gov](mailto:bdavis@scottsdaleaz.gov)

### Possible Executive Session

Notice is hereby given that at any time during tonight’s meeting, the City Council may make a motion to recess into Executive Session to discuss and consider the employment, assignment, reappointment, compensation and benefits of the Presiding Judge and; and/or to discuss and consult with the attorneys for legal advice regarding same. A.R.S. § 38-431.03(A)(1) and (A)(3).

35. **[Presiding Judge Reappointment](#) – Continued to January 27, 2014.**  
**Request:** Discuss, consider, and act on the potential reappointment, including terms of employment, of Joseph Olcavage, Presiding Judge, to a term of four years, as set forth in the City Code, to begin on March 9, 2014.  
**Presenter(s):** Bruce Davis, Human Resources Executive Director  
**Staff Contact(s):** Bruce Davis, Human Resources Executive Director, 480-312-2615, [bdavis@scottsdaleaz.gov](mailto:bdavis@scottsdaleaz.gov)

**Public Comment – None**

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

## **CITIZEN PETITIONS**

### **ITEM 36**

**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** the second Public Comment period begins.

**36. Receipt of Citizen Petitions – None**

**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](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjournment – 6:47 P.M.**