

SCOTTSDALE

CITY COUNCIL MEETING

***** AMENDED *** MEETING NOTICE AND AGENDA**

[ADDED CONSENT AGENDA ITEM NO. 6; REWORDED JOINT MEETING AGENDA ITEM NO. 1]



COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, April 7, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:09 PM

Roll Call – ALL PRESENT

Pledge of Allegiance – COUNCILWOMAN KLAPP

Invocation – PASTOR DEREK VAN DALEN, PALM LANE CHRISTIAN REFORMED CHURCH

City Manager's Report – MR. LITTLE REPORTED THAT THE CITY RECEIVED RECERTIFICATION AS A TREE CITY USA FROM THE NATIONAL ARBOR DAY FOUNDATION FOR THE 27TH CONSECUTIVE YEAR. THE CITY'S BEAT THE HEAT PROGRAM PROVIDES SENIOR CITIZENS WITH SUMMER CARE PACKAGES, INCLUDING GROCERY ITEMS, POSTAGE STAMPS, AND RESOURCES. SENIOR CITIZENS WHO WISH TO PARTICIPATE ARE ENCOURAGED TO CONTACT THE VIA LINDA SENIOR CENTER. YOUTH CORPS PROGRAM APPLICATIONS ARE AVAILABLE TO TEENAGERS THROUGH APRIL 30TH. THE PROGRAM PROVIDES YOUTH AN OPPORTUNITY TO VOLUNTEER WITH THE CITY DURING THE MONTHS OF JUNE AND JULY, WHILE LEARNING VALUABLE JOB SKILLS. THE VISTA DEL CAMINO SOCIAL SERVICES CENTER WILL BE SCREENING RESIDENTS FOR POSSIBLE UTILITY PAYMENT ASSISTANCE FROM 1 TO 7 P.M. ON APRIL 23RD. INFORMATION ON ELIGIBILITY REQUIREMENTS CAN BE OBTAINED BY CONTACTING THE VISTA DEL CAMINO SOCIAL SERVICES CENTER. NATIONAL LIBRARY WEEK IS APRIL 12-18 AND CITIZENS ARE INVITED TO VISIT THE CITY'S LIBRARIES. THE CITY'S ECONOMIC VITALITY OFFICE IS SPONSORING A FOUR-PART SERIES ENTITLED "STARTING AND STAYING IN BUSINESS" TO ASSIST SMALL BUSINESSES. THE SERIES IS HELD ON TUESDAY EVENINGS AND WILL ADDRESS THE TOPICS OF PLANNING AND BUSINESS, MANAGEMENT, MARKETING, AND FINANCE.

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).

Public Comment – FRANCINE RANDALL EXPRESSED FRUSTRATION THAT THE CITY HAS FAILED TO PROVIDE PERMANENT TRAFFIC BARRIERS ALONG HAYDEN ROAD AND SPEED BUMPS ON FAIRMONT AVENUE. SHE ALSO BELIEVES CITY STAFF DISCOURAGED PUBLIC PARTICIPATION AT THE COUNCIL MEETING. JACQUELINE MYERS SAID THE ELDORADO POOL IS A WONDERFUL FITNESS FACILITY AND ENCOURAGED THE COUNCIL TO KEEP THE POOL OPEN DURING THE WINTER MONTHS. BARBARA GORMLEY ECHOED JACQUELINE MYER’S SENTIMENTS, AND ADDED THAT THE PROGRAMS THAT ARE AVAILABLE AT THE ELDORADO POOL ARE AFFORDABLE FOR SENIOR CITIZENS WHO ARE ON LIMITED BUDGETS. DEBBIE ANDRADE SAID THE CITY MADE A PROMISE TO RESIDENTS WHO LIVE ALONG HAYDEN ROAD TO INSTALL A FENCE, GUARD RAILS, AND AESTHETIC ENHANCEMENTS. JUDY STEIN EXPRESSED CONCERN WITH INCREASED TRAFFIC-RELATED INCIDENTS ON FAIRMONT AVENUE AND SAID INSTALLATION OF SPEED BUMPS WOULD HELP ALLEVIATE HER CONCERNS.

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 1-6

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. **Tiara Estates Final Plat (9-PP-2007) – APPROVED ON CONSENT, INCLUDING REVISED PLAT WITH ADDITION OF PARAGRAPH 11**
Request: Adopt **Resolution No. 7917** conditionally approving a Final Plat on 40 acres for a 13-lot, single-family residential subdivision with amended development standards.
Location: 24004 N. 128th Street
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov
2. **Settlement of Kadzielawski v. City of Scottsdale, et al. – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7901** authorizing the Mayor to execute Contract No. 2009-025-COS to settle *Robert J. Kadzielawski v. City of Scottsdale, et al.*, Maricopa County Superior Court Cause No. CV2007-023079, for a total sum not to exceed \$90,000, and authorizing a \$90,000 contingency transfer from the Loss Trust Fund Reserve to the Risk Management Operating Budget (710-03740-52481).
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

CONSENT AGENDA

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3. **Intergovernmental Agreement for Participation in the East Valley Gang and Criminal Information Fusion Center – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7897** authorizing Intergovernmental Agreement No. 2009-021-COS with the City of Mesa, and various public agencies, including other cities, the U.S. Bureau of Alcohol, Tobacco and Firearms, and the Salt River Indian Community for the continued participation in the East Valley Gang and Criminal Information Fusion Center.
Related Policies, Procedures:
 - Prior Fusion Center Intergovernmental Agreement No. 2007-157-COS
 - The City is authorized to enter into this agreement pursuant to A.R.S. §11-952 and the Scottsdale City Charter, Article 1, §3-1
 - The operation of criminal information systems is governed by 28 C.F.R. §23 et. seq.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

4. **Notice of Intention to Increase Water and Wastewater Rates and Establish the Date for a Public Hearing – APPROVED ON CONSENT**
Request: Adopt the Notice of Intention to Increase Water and Wastewater Rates for FY 2009/10 and establish May 19, 2009 as the date for a public hearing.
Staff Contact(s): Marshall Brown, Water Resources General Manager, 480-312-5681, mbrown@scottsdaleaz.gov

5. **Scottsdale Housing Annual Agency Plan for FY 2009/10 – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7888** approving the Annual Agency Plan for FY 2009/10 for the Section 8 Rental Assistance Program (Housing Choice Voucher) with funding from the United States Department of Housing and Urban Development (HUD); and authorizing submittal of the Plan to HUD. This resolution also authorizes the acceptance of Housing Choice Vouchers offered to assist current tenants of HUD assisted properties opting out of federal assistance and the acceptance of additional Housing Choice Vouchers if offered by HUD in FY 2009/10.
Related Policies, Procedures: On March 22, 2005, Council adopted Resolution No. 6627 approving the Five-Year and Annual Agency Plan and approved submittal of the Plan to HUD
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

- ***6. **Authorization to Intervene in NewPath Networks' Application for a Certificate of Convenience and Necessity –**
MOTION TO SEEK NEGOTIATED AGREEMENT WITH NEWPATH REGARDING THE EFFECT OF A CCN – FAILED – (RM, LB, RL, TN)

MOTION TO GIVE STAFF THE AUTHORITY TO INTERVENE – OK – 4/3 (JL, WE, SK)
Request: Adopt **Resolution No. 7935** authorizing intervention by the City of Scottsdale in the matter of NewPath Networks, LLC application for a Certificate of Convenience and Necessity, Arizona Corporation Commission Docket No. T-20567A-07-0662.
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov

Mayor and Council Items – COUNCILMAN LITTLEFIELD ASKED TO HAVE THE CREATION OF A COUNCIL SUBCOMMITTEE ON WATER ISSUES AGENDIZED FOR DISCUSSION AND POSSIBLE ACTION AT THE EARLIEST POSSIBLE CONVENIENCE

Adjourn to Joint Meeting with the Budget Review Commission – 6:56 PM

JOINT CITY COUNCIL/BUDGET REVIEW COMMISSION MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 6:57 PM

Roll Call – BUDGET REVIEW COMMISSION CHAIRMAN LOU SCHMITT ABSENT

*****1. Overview of City Manager’s Organizational Restructuring and 2009/10 Budget Strategies – JOHN LITTLE PRESENTATION**

Request: Joint meeting with the City Council and Budget Review Commission. Present and discuss the City Manager’s proposed organizational restructuring and 2009/10 budget strategies.

Staff Contact(s): Scott McCarty, Assistant Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov; and Art Rullo, Budget Director, 480-312-2435, arullo@scottsdaleaz.gov

Public Comment – MILDRED HAMILTON STATED THAT SHE HAS COLLECTED SIGNATURES FROM PEOPLE WHO OPPOSE CLOSING ELDORADO POOL DURING THE WINTER MONTHS. SHE REPORTED THAT THE MAJORITY OF THE PEOPLE SURVEYED SUPPORT PAYING ADDITIONAL FEES TO KEEP THE POOL OPEN DURING THE WINTER. MS. HAMILTON ASKED THE COUNCIL TO CONSIDER KEEPING THE POOL OPEN DURING THE WINTER MONTHS.

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Adjournment – 9:46 PM