

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

(4:30 PM INAUGURATION; 5:00 PM MEETING: ADDED WELCOME AND REMARKS FROM MAYOR AND CITY COUNCIL AND PRESENTATION)

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, January 13, 2009

4:30 P.M.

MARKED AGENDA

COUNCIL INAUGURATION

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:30 PM**

Introduction – The Honorable Ann A. Scott Timmer, Chief Judge, Arizona Court of Appeals, Division One

Oath of Office – Incoming Mayor and City Council, Administered by the Honorable Ann A. Scott Timmer

Inaugural Remarks – Mayor W.J. "Jim" Lane

Adjourn – **4:46 PM**

5:00 P.M.

REGULAR CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:08 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **FORMER STATE SENATOR, RETIRED USMC LT. COLONEL TOM SMITH**

Invocation – **REVEREND PHIL CARLSON, SAINT BARNABAS IN THE DESERT EPISCOPAL CHURCH**

***Mayor and Council Welcome and Remarks

City Manager's Report – **MR. LITTLE THANKED CITY EMPLOYEES KIT WEISS AND GREG BESTGEN FOR RESPONDING TO NEIGHBORHOOD STREET LIGHT CONCERNS. THE NATIVE TRAILS PROGRAM, WHICH IS A FREE FESTIVAL THAT RECOGNIZES NATIVE AMERICAN TRADITIONS, WILL BEGIN JANUARY 15 AND RUN THROUGH APRIL 11 AT THE CIVIC CENTER MALL. THE PF CHANG'S ROCK "N" ROLL MARATHON WILL BE HELD JANUARY 18TH. CITIZENS WERE ENCOURAGED TO CHECK FOR STREET CLOSURE INFORMATION AT WWW.RNRAZ.COM. THE 5TH ANNUAL ROCKIN' ARTWALK IS A FREE EVENT SCHEDULED FOR JANUARY 17 FROM NOON TO 4 PM IN THE SCOTTSDALE ARTS DISTRICT. CITIZENS ARE INVITED TO SHOP AT GO GREEN FARMER'S MARKET LOCATED AT CRAFTSMAN COURT ON SUNDAYS FROM 10 AM TO 2 PM, AND ATTEND THE 22ND SEASON OF THE SUNDAY A'FAIR FREE CONCERT SERIES HELD AT THE CIVIC CENTER MALL. THE MAKE SCOTTSDALE A FIT CITY KICK-OFF EVENT IS SCHEDULED FOR JANUARY 24 AT 10 AM IN DOWNTOWN.**



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).

***Presentation – Scottsdale Exers

Approval of Minutes	- OK – 5/0 – (LB, SK ABSTAIN)		
REGULAR MEETINGS	SPECIAL MEETINGS	EXECUTIVE SESSIONS	EXECUTIVE SESSIONS
<u>December 2, 2008</u>	<u>December 9, 2008</u>	April 8, 2008	June 24, 2008
<u>December 9, 2008</u>		April 22, 2008	July 1, 2008
		May 13, 2008	July 8, 2008
		May 20, 2008	August 18, 2008
		June 3, 2008	August 26, 2008
		June 17, 2008	October 14, 2008

Public Comment – JANE RAU DISPLAYED A MAGAZINE ARTICLE ON THE McDOWELL SONORAN PRESERVE AND ENCOURAGED CITIZENS TO VOLUNTEER TIME TO THE PRESERVE. TIM PIERSON SUGGESTED THAT THE COUNCIL EXPLORE LEGISLATIVE ACTION RELATED TO DUI ORDINANCES. NORWOOD SISSON PRESENTED FIVE CITIZEN PETITIONS ASKING THAT PUBLIC RECORDS BE MADE AVAILABLE RELATED TO THE LOLOMA AGREEMENT, AGREEMENTS BETWEEN THE SCOTTSDALE MUNICIPAL PROPERTY CORPORATION AND THE CITY RELATED TO SKYSONG, CONTRACT No. 2006-001-COS, OWNERSHIP OF FACILITIES CONSTRUCTED AT LOS ARCOS UNDER THE INFRASTRUCTURE AGREEMENT WITH ASUF SCOTTSDALE, LLC, AND FOR A POLICY REQUIRING THE CITY TO COMPLY WITH PUBLIC RECORDS LAWS.

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 1-25

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. **[El Gringos Pinata Nueva Liquor License \(98-LL-2008\)](#) – 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: 14850 N. Frank Lloyd Wright Boulevard, Suite 109
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, 312-2664, cpadian@scottsdaleaz.gov

2. **[Nordstrom’s Cafe Liquor License \(99-LL-2008\)](#) – APPROVED ON CONSENT**
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) liquor license.
Location: 7055 E. Camelback Road, Suite 300
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, 312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

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3. **The Yellow House Liquor License (100-LL-2008) – 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 a new location.
Location: 6936 E. Main 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, 312-2664, cpadian@scottsdaleaz.gov
4. **Fox Sports Grill Liquor License (101-LL-2008) – 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.
Location: 16203 N. Scottsdale Road, Building 1
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, 312-2664, cpadian@scottsdaleaz.gov
5. **Shayna's Liquor License (102-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.
Location: 2017 N. Scottsdale Road
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, 312-2664, cpadian@scottsdaleaz.gov
6. **Fresh and Easy Neighborhood Market Liquor License (103-LL-2008) – 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 a new location.
Location: 7901 E. Thomas Road, Suite 104
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, 312-2664, cpadian@scottsdaleaz.gov
7. **Bada Boom Liquor License (104-LL-2008) – 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: 4151 N. Marshall Way, Suites 8, 9, 10 and 11
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, 312-2664, cpadian@scottsdaleaz.gov

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8. **Smart and Final Liquor License (105-LL-2008)** – 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 location.
Location: 2441 N. Scottsdale Road
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, 312-2664, cpadian@scottsdaleaz.gov
9. **Vista del Camino Park Municipal Use Master Site Plan (23-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE MUNICIPAL MASTER SITE PLAN CRITERIA
Requests:
1. Approve a Municipal Use Master Site Plan for Vista del Camino Park, a city park, on a ±70-acre site, with Open Space Zone (O-S) and Single-Family Residential (R1-7) zoning.
2. Adopt **Resolution No. 7815** affirming the Municipal Use Master Site Plan and finding that the municipal master site plan criteria have been met.
Location: East of Miller Road between East McDowell and East McKellips roads
Related Policies, References: 67-ZN-1980, 327-SA-2007 and 10-DR-2005
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, 312-2664, cpadian@scottsdaleaz.gov
10. **Indian School Park Municipal Use Master Site Plan (24-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE MUNICIPAL MASTER SITE PLAN CRITERIA
Requests:
1. Approve a Municipal Use Master Site Plan for modifications to Indian School Park, a city park, on a 60-acre site with Open Space Zone (O-S) zoning.
2. Adopt **Resolution No. 7816** affirming the Municipal Use Master Site Plan modification and finding that the municipal master site plan criteria have been met.
Location: East of North Hayden Road, between East Indian School and East Camelback roads
Related Policies, References: 67-ZN-1980, 35-UP-1988, 5-DR-1977, 5-DR-1977#2, 5-DR-1977#3, 5-DR-1977#4, 117-DR-1988, and 38-DR-1994
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, 312-2664, cpadian@scottsdaleaz.gov
11. **Discount Tire Conditional Use Permit (26-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA
Requests:
1. Approve a Conditional Use Permit for a tire store on a 51,901 square foot parcel (1.19 acres).
2. Adopt **Resolution No. 7790** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.
Location: 2323 N. Scottsdale Road
Related Policies, References:
• 77-DR-2007
• Scottsdale Road Streetscape Design Guidelines
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, 312-2664, cpadian@scottsdaleaz.gov

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12. Dawe Abandonment (10-AB-2008) – APPROVED ON CONSENT

Requests:

1. Abandon the eastern 15 feet of a 40-foot-wide roadway and public utility easement located along the western boundary of 25555 N. 116th Street.
2. Adopt **Resolution No. 7788** affirming the abandonment.

Related Policies, References:

- 32-ZN-1982
- 21-AB-1999
- 9-AB-2002
- The Planning Commission heard this case on December 10, 2008 and unanimously recommended approval

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, 312-2664, cpadian@scottsdaleaz.gov

13. Estada De Las Piedras Final Plat (14-PP-2005) – APPROVED ON CONSENT

Request: Approve a Final Plat for a 6-lot, single-family residential development on a ±10-acre parcel with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.

Location: 34303 N. Hayden Road

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, 312-2664, cpadian@scottsdaleaz.gov

14. Cambria Suites and Pima Condominium Suites Final Plat (5-PP-2008) – APPROVED ON CONSENT

Request: Approve a Final Plat for a portion of the Inner Circle Subdivision for the proposed redevelopment of the Cambria Suites Hotel site.

Location: 7330 N. Pima Road

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, 312-2664, cpadian@scottsdaleaz.gov

15. Telephone System Upgrade Contract – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7809** authorizing Contract No. 2008-198-COS with IBM in the amount of \$430,354 to upgrade the City's telephone system, and approving the transfer of \$425,000 from CIP project Y0808-IS Server Infrastructure to CIP project Y0809-IS Telephone Equipment.

Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov

16. Scottsdale Museum of the West, Inc. Development Agreement – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7821** authorizing the Mayor to execute Development Agreement No. 2008-201-COS with Scottsdale Museum of the West, Inc. for the development of a museum in downtown Scottsdale.

Related Policies, References:

- On July 8, 2008, Council approved Resolution No. 7660 authorizing the negotiation of an agreement between the City and Scottsdale Museum of the West
- Scottsdale Museum of the West Feasibility Study, March 2006

Staff Contact(s): Michelle Korf, Acting Downtown Group Executive Director, 480-312-2638, mkorf@scottsdaleaz.gov

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17. **Scottsdale Revised Code Amendment for Roadway Barricade Management** – APPROVED
ON CONSENT
Request: Adopt **Ordinance No. 3807** amending Chapter 47 of the Scottsdale Revised Code to enhance the City’s management of right-of-way restrictions.
Staff Contact(s): Mary O’Connor, Transportation General Manager, 480-312-2334,
moconnor@scottsdaleaz.gov
18. **Partners for Paiute Neighborhood Center Collaborative Services Contract** – APPROVED
ON CONSENT
Request: Adopt **Resolution No. 7772** authorizing Contract No. 2008-173-COS with Partners for Paiute Neighborhood Center, an Arizona non-profit corporation, for the purpose of authorizing continued collaboration with the City to provide resources and support to City residents with social services, cultural, recreational and educational activities.
Related Policies, References:
 - Scottsdale Revised Code 2-279(A)(3) Powers and duties of the Human Services Commission
 - Minutes from the November 13, 2008 Human Services Commission Meeting**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480,
dbaird@scottsdaleaz.gov
19. **Concerned Citizens for Community Health Collaborative Services Contract** – APPROVED
ON CONSENT
Request: Adopt **Resolution No. 7773** authorizing Contract No. 2008-174-COS with Concerned Citizens for Community Health, an Arizona non-profit corporation, for the purpose of authorizing continued collaboration with the City to provide resources and support to City residents for emergency needs, social services, job preparation, recreation and education.
Related Policies, References:
 - Scottsdale Revised Code 2-279(A)(3) Powers and duties of the Human Services Commission
 - Minutes from the November 13, 2008 Human Services Commission Meeting**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480,
dbaird@scottsdaleaz.gov
20. **Neighborhood Enhancement Partnership Project Application Funding** – APPROVED ON
CONSENT
Request: Adopt **Resolution No. 7840** approving funding for five Neighborhood Enhancement Partnership (NEP) project applications, as recommended by the Neighborhood Enhancement Commission following their fall 2008 application cycle.
Related Policies, References:
 - 2006 NEP Program Guidelines
 - Draft Minutes from the December 3, 2008 Neighborhood Enhancement Commission Meeting**Staff Contact(s):** Raun Keagy, Citizen and Neighborhood Resources General Manager, 480-312-2373, rkeagy@scottsdaleaz.gov

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21. **Water Quality Division Drinking Water Regulatory Compliance Tracking Database** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7806** authorizing Contract No. 2008-197-COS with Red Oak Consulting in the amount of \$290,000 to purchase and install an electronic drinking water regulatory database.
Staff Contact(s): Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov
22. **Urban Area Security Initiative Terrorism Liaison Officer Program Grants** – APPROVED ON CONSENT
Requests:
1. Adopt **Resolution No. 7824** authorizing the City to enter into the following subgrantee agreements with the Arizona Department of Homeland Security:
a. Subgrantee Agreement No. 2008-203-COS in the amount of \$72,000 for a Police Terrorism Liaison Officer Level A Kit
b. Subgrantee Agreement No. 2008-204-COS in the amount of \$72,000 for a Fire Terrorism Liaison Officer Level A Kit
c. Subgrantee Agreement No. 2008-205-COS in the amount of \$19,000 for an Emergency Management Terrorism Liaison Officer Level B Kit
2. Authorize the transfer of \$163,000 in the Future Grants Budget adopted in the FY 2008/09 Grants Budget to the centers assigned to record all the grant activity.
Staff Contact(s): William McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
23. **Police Digital Evidence Management System Contract** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7771** authorizing the City to enter into Contract Nos. 2008-171-COS and 2008-172-COS with Dataworks Plus in the amount of \$96,351.77, including taxes, to provide software implementation, maintenance and licensing services for the installation of a police digital evidence management system.
Related Policies, References: The Police Department Crime Lab has been accredited by the American Society of Crime Lab Directors/Laboratory Accreditation Board. One of the criterion for accreditation is to maintain a secure system for the storage, transfer and maintenance of evidence. Digital evidence media, which includes audio, video and crime scene digital photographs, has been recognized by the courts and accrediting bodies as evidence requiring the secure system stated above.
Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
24. **Budget Transfer for the Remodel of the Police Via Linda Building Lobby** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7822** authorizing a budget transfer of \$220,000 from the 30-Day Tow Program Fund to a new capital project budget center for the remodel of the Police Via Linda building lobby to accommodate the Police Department 30-Day Tow Program.
Related Policies, References:
• On November 6, 2008, Council approved Resolution No. 7409 adopting a police 30-day tow administrative charge
• Arizona Revised Statutes 28-872, 28-3511 and 28-3513
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov

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25. **Purchase of Residential Street Lights From Salt River Project** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7754** authorizing Contract No. 2008-163-COS with Salt River Project (SRP) for the purchase of 2,365 street lights on residential streets at a cost of \$44,205.46, plus sales tax.
Related Policies, References: On July 19, 1982, Council approved Contract No. 860549 with SRP for the provision of street lighting service within the SRP service area of the City.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

Regular Agenda begins on the following page

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.**

26. Transportation Master Plan Implementation Program – MOTION TO APPROVE THE TRANSPORTATION MASTER PLAN IMPLEMENTATION PROGRAM, INCORPORATING STRATEGIES TO MOVE FORWARD AS EXPEDITIOUSLY AS POSSIBLE ON AIRPARK AREA IMPROVEMENTS – OK – 6/1 (LB)

Request: Review and discuss Transportation Commission recommendations regarding prioritization of the Transportation Master Plan implementation program, a 20-year listing of proposed capital and transit service improvement projects, which will implement the goals and policies of the Transportation Master Plan; and consider action to adopt the implementation program.

Related Policies, References:

- Transportation Master Plan adopted January 8, 2008
- May 29, 2007, Council action eliminating Chaparral Road widening option
- December 12, 2006, Council action requiring an election for any rail technology option selected for Scottsdale
- Contract No. 2005-168-COS approved November 1, 2005
- 2000-2003 Scottsdale/Tempe North/South Transit Study Final Report
- General Plan Community Mobility Element adopted October 2001

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov

27. Frank Lloyd Wright 100 Rezoning and Conditional Use Permit (61-ZN-1982#3 and 9-UP-2008) – MOTION TO APPROVE CASE NOS. 61-ZN-1982#3 AND 9-UP-2008; ADOPTING ORDINANCE NO. 3823, AND FINDING THAT THE PLANNED COMMUNITY DISTRICT CRITERIA HAVE BEEN MET; ADOPTING RESOLUTION NO. 7791, AND FINDING THAT THE CONDITIONAL USE PERMIT HAVE BEEN MET; AND AMENDING STIPULATION NO. 20 TO REFLECT THAT THE DEVELOPER SHALL MAKE A CONTRIBUTION OF \$15,000 TO THE CITY'S DOWNTOWN CULTURAL TRUST – OK – 7/0

Requests:

1. Approve amendment of a zoning stipulation in the original case for Parcel No. 17, on an approximate 10.87-acre property located at the southeast corner of North 100th Street and North Frank Lloyd Wright Boulevard, zoned Planned Neighborhood Center/Planned Community District (PNC/PCD) for Case No. 61-ZN-1982#3.
2. Approve a conceptual site plan, as required by ordinance, for Parcel No. 17 for Case No. 61-ZN-1982#3.
3. Adopt **Ordinance No. 3823** affirming the amended stipulation and the site plan, and finding that the planned community district criteria have been met for Case No. 61-ZN-1982#3.
4. Approve a Conditional Use Permit for a residential health care facility providing assisted living to be established on ±4.17 acres of Parcel No. 17 for Case No. 9-UP-2008.
5. Adopt **Resolution No. 7791** affirming the Conditional Use Permit for a residential health care facility, and finding that the conditional use permit criteria have been met for Case No. 9-UP-2008.

Location: 13850 E. Frank Lloyd Wright Boulevard

(Item No. 27 continued on next page)

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(Item No. 27 continued from previous page)

Related Policies, References: 61-ZN-1982, 61-ZN-1982#2 and 4-TA-2008

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEM 28

28. **Discussion on 2009 State Legislative Program – MOTION TO DIRECT STAFF NOT TO SEEK LEGISLATION TO REPEAL THE PROVISION THAT REQUIRES CERTAIN CITIES TO HOLD CITY ELECTIONS IN THE FALL – OK – 4/3 (WE, RM, TN)**

Request: At the request of Mayor Lane, discuss and provide staff direction on election-related matters, including whether to seek legislation to repeal provision of 2006 legislation that required cities with a population greater than 175,000 to hold municipal candidate elections in the fall.

Staff Contact(s): Lisa Blyler, Assistant to the Mayor and Council, 480-312-2492, lblyler@scottsdaleaz.gov

Public Comment – NONE

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 – NONE

Adjournment – 8:59 PM