

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, February 24, 2009

5:00 P.M.

CITY COUNCIL MEETING **MARKED AGENDA**

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

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **CUB SCOUT TROOP No. 344**

Invocation – **PASTOR BRUCE JOHNSON, SCOTTSDALE PRESBYTERIAN CHURCH**

City Manager's Report – **NONE**

Presentations/Information Updates

Approval of Minutes **- OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[January 28, 2009](#)

Public Comment- **LISA HASKELL EXPRESSED CONCERN REGARDING THE PROPOSED DIAL-A-RIDE FARE INCREASES AND PROGRAM ASSESSMENTS. SHE SUGGESTED THAT THE CITY HOLD A PUBLIC OUTREACH MEETING AT THE SENIOR CENTER. STEVE HELM, MANAGER OF SCOTTSDALE FASHION SQUARE, THANKED THE POLICE DEPARTMENT FOR THEIR ASSISTANCE, PLANNING, AND SUPPORT DURING THE RECENT NBA ALL-STAR WEEK. DARLENE PETERSEN COMMENDED THE DEVELOPERS OF THE SUN DIAL HOTEL AND SAID IT IS A PERFECT EXAMPLE OF WHAT PROJECTS IN THE CITY SHOULD LOOK LIKE. DR. BORSAND BELIEVES THERE IS AN ABUNDANCE OF PAY DAY LOAN AND PAWN SHOPS IN THE SOUTHERN AREA OF THE CITY AND SUGGESTED THE CITY REVIEW THE SITUATION.**

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.**



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).

CONSENT AGENDA ITEMS 1-22

Tuesday, February 24, 2009
Page 2 of 13

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. **UT Liquor License (2-LL-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location with a new owner.
Location: 304 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, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Bad to the Bone BBQ Liquor License (3-LL-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 7401 E. Frank Lloyd Wright Boulevard
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

3. **Heirloom Liquor License (4-LL-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 20775 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, 480-312-2664, cpadian@scottsdaleaz.gov

4. **Food-N-Things Liquor License (5-LL-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 10 (beer and wine store) liquor license.
Location: 4995 N. Granite Reef
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

CONSENT AGENDA

Tuesday, February 24, 2009
Page 3 of 13

5. **The Kitchen Market Café/Wine Bar Liquor License (6-LL-2009)** – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 8977 N. Scottsdale Road, Suite 502
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
6. **The Kitchen Market Café/Wine Bar Liquor License (7-LL-2009)** – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location with a new owner.
Location: 8977 N. Scottsdale Road, Suite 502
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
7. **Dirty Dogg Saloon Conditional Use Permit (15-UP-2007#2)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA
Requests:
 1. Approve amendment of a Conditional Use Permit stipulation by eliminating the one-year expiration time frame for a live entertainment use in an existing building with Highway Commercial (C-3) zoning.
 2. Adopt **Resolution No. 7862** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.**Location:** 10409 N. Scottsdale Road
Related Policies, References:
 - 15-UP-2007
 - 4-UP-2004
 - 4-UP-2004 #2**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
8. **NSA8 (Sunstate) Conditional Use Permit (27-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA
Requests:
 1. Approve a Conditional Use Permit for an off-airport heliport on a ±1.3-acre parcel within the Scottsdale Airpark area.
 2. Adopt **Resolution No. 7865** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.**Location:** 7975 E. McClain Drive
Related Policies, References: 38-DR-2006
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

CONSENT AGENDA

Tuesday, February 24, 2009
Page 4 of 13

9. **Sandbar Mexican Grill Conditional Use Permit (28-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA
- Requests:**
1. Approve a Conditional Use Permit for a bar expansion on a ±4.3-acre site with Central Business District (C-2) zoning.
 2. Adopt **Resolution No. 7866** affirming the Conditional Use Permit for a bar expansion and finding that the conditional use permit criteria have been met.
- Location:** 10050 N. Scottsdale Road, Suite 127
- Related Policies, References:** 3-UP-2002 and 20-UP-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, 480-312-2664, cpadian@scottsdaleaz.gov
10. **Sandbar Mexican Grill Permanent Extension of Premises (23-EX-2008)** – APPROVED ON CONSENT
- Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Sandbar Mexican Grill.
- Location:** 10050 N. Scottsdale Road, Suite 127
- 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
11. **Discount Tire General Plan Amendment, Rezoning and Conditional Use Permit (2-GP-2008, 10-ZN-2008, and 19-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA
- Requests:**
1. Amend the General Plan designation from Office to Commercial for Case No. 2-GP-2008.
 2. Adopt **Resolution No. 7864** approving the General Plan Amendment for Case No. 2-GP-2008.
 3. Rezone from Commercial Office District, Planned Community District (C-O/PCD) to Highway Commercial District, Planned Community District (C-3/PCD) on a ±2-acre parcel for Case No. 10-ZN-2008.
 4. Adopt **Ordinance No. 3837** affirming the rezoning for Case No. 10-ZN-2008.
 5. Approve a Conditional Use Permit for a tire store for Case No. 19-UP-2008.
 6. Adopt **Resolution No. 7863** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met for Case No. 19-UP-2008.
- Location:** 20555 N. Scottsdale Road
- Related Policies, References:**
- 46-ZN-1990
 - 110-DR-1994
 - 24-DR-2001
- 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

CONSENT AGENDA

Tuesday, February 24, 2009
Page 5 of 13

12. **Hawknest Estates Abandonment (11-AB-2008)** – MOTION TO CONTINUE TO MARCH 10, 2009 – OK – 7/0
Request: Continue to March 10, 2009.
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
13. **Milde Residence Abandonment (15-AB-2008)** – APPROVED ON CONSENT
Requests:
 1. Abandon the southern five feet of the southern 25-foot, half-street right-of-way located along East Dusty Miller Court at 39204 N. Boulder View Drive.
 2. Reserve a five-foot, non-motorized vehicle and public access easement over the proposed abandonment area for public trails access.
 3. Reserve a public utilities easement over the proposed abandonment area.
 4. Adopt **Resolution No. 7870** vacating and abandoning the public rights-of-way.**Location:** 39204 N. Boulder View Drive
Related Policies, References: 2-ZN-1985
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
14. **Corporate Center at DC Ranch Replat (4-PP-2006#2)** – APPROVED ON CONSENT
Request: Approve a replat located within DC Ranch Corporate Center.
Location: Southeast corner of North 91st Street and East Palo Brea Bend
Related Policies, References:
 - 4-PP-2006
 - 2-DR-2008**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
15. **Health Care Plan and Dependent/Child Care Plan Deadline Extension** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7858** authorizing an extension of the deadline to file claims under the Health Care Plan and Dependent/Child Care Plan, commonly known as flexible spending account benefit plans, from November 30, 2008 to March 31, 2009.
Related Policies, References:
 - On December 8, 2003, Council adopted Resolution No. 6421 approving several benefit plan documents, including the Health Care Plan and the Dependent/Child Care Plan
 - Health Care Plan, effective January 1, 2004
 - Dependent/Child Care Plan, effective January 1, 2004**Staff Contact(s):** La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, February 24, 2009

Page 6 of 13

16. [White Mountain Apache Tribe Water Rights Quantification Agreement](#) – APPROVED ON CONSENT
CONSENT
Requests:
1. Adopt **Resolution No. 7768** declaring the White Mountain Apache Tribe Water Rights Quantification Agreement to be a public record.
 2. Adopt **Resolution No. 7769** approving and authorizing the Mayor to execute the White Mountain Apache Tribe Water Rights Quantification Agreement No. 2008-170-COS, an agreement among the City of Scottsdale, the White Mountain Apache Tribe, and various state and federal parties; and the Waiver and Release of Claims for Injury to Water Rights by Parties other than White Mountain Apache Tribe and the United States. The Settlement Agreement resolves the water rights claims of the White Mountain Apache Tribe.
- Staff Contact(s):** Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov; Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov
17. [Settlement of David and Debra Weston v. City of Scottsdale, et al.](#) – APPROVED ON CONSENT
CONSENT
Requests:
1. Adopt **Resolution No. 7853** authorizing the City to enter into a settlement with the plaintiffs for a total sum not to exceed \$900,000 in the matter of *David and Debra Weston v. City of Scottsdale, et al.*, Maricopa County Superior Court No. CV2008-050825.
 2. Authorize a \$900,000 contingency transfer from the Loss Trust Fund Reserve to the Risk Management Operating Budget (710-03740-52481) to cover the cost of the settlement.
- Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov
18. [Scottsdale Revised Code Amendment Pertaining to the Approval of Special Event Liquor Licenses](#) – REMOVED
Request: Adopt **Ordinance No. 3840** amending Chapter 16, Article V, Section 16-188 of the Scottsdale Revised Code granting the General Manager of Financial Services, or designee, the authority to approve Special Event Liquor Licenses.
Related Policies, References: Chapter 16, Article V of the Scottsdale Revised Code
Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov
19. [Intergovernmental Agreement with Fort McDowell Yavapai Nation for Acceptance of Proposition 202 Tourism Promotion Funds](#) – APPROVED ON CONSENT
CONSENT
Requests:
1. Adopt **Resolution No. 7867** authorizing:
 - a. Intergovernmental Agreement No. 2009-011-COS authorizing the City to accept and appropriate \$45,000 from the Fort McDowell Yavapai Nation to promote tourism in Scottsdale and surrounding areas. The IGA is in accordance with Proposition 202, A.R.S. § 5-601, and the FY 2008/09 Scope of Work from the Scottsdale Convention and Visitors Bureau (SCVB) to the Fort McDowell Yavapai Nation.
 - b. Destination Marketing Services Agreement Amendment No. 2008-084-COS-A1 with the SCVB.
 2. Authorize a budget transfer of \$45,000 from the adopted FY 2008-09 Future Grants Budget to the center assigned to record the grant activity.

(Item No. 19 continued on the following page)

CONSENT AGENDA

Tuesday, February 24, 2009
Page 7 of 13

(Item No. 19 continued from the previous page)

Related Policies, References:

- Proposition 202, the 17 Tribe Indian Self-Reliance Initiative
- A.R.S. § 5-601
- SCVB FY 2008-09 “Scope of Work” to the Fort McDowell Yavapai Nation outlining how the SCVB will invest the \$45,000

Staff Contact(s): Harold Stewart, Acting Economic Vitality General Manager, 480-312-2311, hstewart@scottsdaleaz.gov

20. Construction Bid Award for Hayden Road and Shea Boulevard Intersection Improvements – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7721** authorizing Construction Bid Award No. 09PB003 with Nesbitt Contracting, the lowest responsive bidder, at their bid amount of \$1,529,416.67 for improvements to the intersection of Hayden Road and Shea Boulevard.

Related Policies, References: On September 21, 2004, Council approved Engineering Services Contract No. 2004-114-COS with Stantec Consulting Inc. for the design of Hayden Road and Shea Boulevard intersection improvements

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

21. Ironwood Village Homeowner Association Median Maintenance Agreement and Right-of-Way Acquisition – APPROVED ON CONSENT

Requests:

1. Adopt **Resolution No. 7262** authorizing the City to enter into Median Maintenance Agreement No. 2008-161-COS with the Ironwood Village Homeowners Association.
2. Adopt **Resolution No. 7861** authorizing the City to acquire right-of-way from Ironwood Village for right turn lanes and multi-use path.

Related Policies, References:

- On June 16, 2003, Council awarded Engineering Services Contract No. 2003-114-COS to Entellus, Inc., for design of improvements to Pima Road from the 101 Freeway to Thompson Peak Parkway.
- On November 15, 2005, Council approved Construction Manager at Risk (CM@Risk) Design Phase Services Contract No. 2005-167-COS with Achen-Gardner Engineering, LLC, for preconstruction services related to the construction of improvements to Pima Road between the 101 Freeway and Pinnacle Peak Road.
- On February 21, 2006, Council approved CM@Risk Construction Services Contract No. 2005-199-COS and Contract Amendment No. 2005-199-COS-A1, both with Achen-Gardner Engineering, LLC, for the construction of the Pima Road Project from the 101 Freeway to Thompson Peak Parkway.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, February 24, 2009
Page 8 of 13

22. Rose Garden Parking Lot Utilities Relocation Payment – APPROVED ON CONSENT

Requests:

1. Adopt **Resolution No. 7827** authorizing payments to Arizona Public Service, Cox Communication, Qwest, and Southwest Gas in an approximate amount of \$500,000 for relocation of existing utilities from the Rose Garden Parking lot.
2. Authorizing a capital budget transfer of \$320,000 from CIP Contingency to CIP Project D0707, Rose Garden Development.

Related Policies, References:

- On July 5, 2005, Council approved Development Agreement No. 2005-121-COS with Rose Garden Partners, LLC, governing the development of real property parcels on the south side of the Arizona Canal on either side of Goldwater Boulevard
- On May 15, 2006, Council approved the first amendment to the development agreement with Rose Garden Partners
- On July 10, 2007, Council approved the Amended and Restated Rose Garden Development Agreement, which allowed for design approval and financing of the project in three components
- On August 26, 2008, Council authorized Construction Bid Award 08PB089 with Citywide Contracting, Inc., the lowest responsive bidder, for the construction of utility infrastructure pursuant to the Rose Garden Development Agreement
- On September 23, 2008, Council authorized Agreement No. 2005-121-COS-A3, a first amendment to the Amended and Restated Development Agreement with Rose Garden, LLC relating to the development of the Rose Garden parking lot

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@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.**

23. In-Lieu Parking Payment Structure – MOTION TO APPROVE – OK – 6/1 (RM)

Request: Adopt **Resolution No. 7847** repealing Resolution Nos. 2594, 2607, 3255, 3334, and 3506, and establishing the payment, fees, and fee adjustment procedures for in-lieu parking credits as provided by the parking section of Appendix B Basic Zoning Ordinance.

Related Policies, References:

- Resolution Nos. 2594, 2607, 3255, 3334, and 3506
- Zoning Ordinance

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

24. Drift Liquor License (106-LL-2008) – MOTION TO FORWARD RECOMMENDATION FOR APPROVAL OF 106-LL-2008 TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES, WITH THE UNDERSTANDING THAT DRIFT CAN ONLY OPERATE IN ITS EXISTING CONDITION – OK – 6/1 (RM)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license for an existing business and owner.

Location: 4341 N. 75th 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

25. Drift Rezoning and Conditional Use Permit (2-ZN-2007 and 21-UP-2007#2)

MOTION TO DENY, DIED FOR LACK OF A SECOND

MOTION TO CONTINUE TO A DATE UNCERTAIN – OK – 6/1 (RL)

Requests:

1. Approve a rezoning from Highway Commercial District/Downtown Overlay (C-3/DO) and Parking District-Automobile Parking/Downtown Overlay (P-2/DO) to Downtown/Office Residential-Type2/Downtown Overlay (D/OR-2/DO) in conformance with the General Plan/Downtown Plan on a ±9,609 square-foot site for Case No. 2-ZN-2007.
2. Adopt **Ordinance No. 3825** affirming the rezoning for Case No. 2-ZN-2007.
3. Approve an amendment to expand a Conditional Use Permit for a bar at an existing bar (Drift) for Case No. 21-UP-2007#2.
4. Adopt **Resolution No. 7844** affirming the Bar Conditional Use Permit expansion and finding that the conditional use permit criteria have been met for Case No. 21-UP-2007#2.

Location: 4341 N. 75th Street

(Item No. 25 continued from the previous page)

Related Policies, References:

- General Plan
- Downtown Plan
- 21-UP-2007
- 106-LL-2007
- 5-IP-2007

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

26. [Drift In Lieu Parking Request \(5-IP-2007\)](#)

**MOTION TO DENY, DIED FOR LACK OF A SECOND
MOTION TO CONTINUE TO A DATE UNCERTAIN – OK 6/1 (RL)**

Requests:

1. Approve the request for 13 in-lieu parking credits.
2. Adopt **Resolution No. 7813** affirming the approval of the in-lieu parking credits and finding that the criteria for in-lieu parking for the property have been met.
3. Adopt **Resolution No. 7823** authorizing Development Agreement No. 2008-202-COS to allow the owner to construct 13 public parking spaces in order to receive 13 in-lieu parking credits.

Location: 4341 N. 75th Street

Related Policies, References:

- 21-UP-2007#2
- 2-ZN-2007
- Resolution No. 7847

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

27. [Charles Miller Square Rezoning \(12-ZN-2008\)](#)

MOTION TO APPROVE CASE NO. 12-ZN-2008

AMENDED MOTION TO ADOPT ORDINANCE NO. 3835 AFFIRMING THE REZONING; ADOPT RESOLUTION NO. 7878; AND REVISE THE THIRD AMENDMENT TO SPECIAL WARRANTY DEED TO REPLACE THE DEED RESTRICTIONS WITH THE LIST OF PROHIBITED USES – FAILED 2/5 (WE, RM)

AMENDED MOTION TO APPROVE CASE NO. 12-ZN-2008; ADOPT ORDINANCE NO. 3835 AFFIRMING THE REZONING; AND ADOPT RESOLUTION NO. 7878 – OK – 6/1 (WE)

Requests:

1. Rezone from Multiple-Family Residential District/Downtown Overlay (R-5/DO) to Downtown/Office Commercial Type 2/Downtown Overlay (D/OC-2/DO) on a ±29,240 square-foot site.
2. Adopt **Ordinance No. 3835** affirming the rezoning.
3. Consider a written request from Richard A. Funke to eliminate the deed restrictions on the property.
4. Adopt **Resolution No. 7878** authorizing Agreement No. 1998-152-COS-A3, the Third Amendment to Special Warranty Deed, which removes all deed restrictions from the original warranty deed.

(Item 27 continued on the next page)

REGULAR AGENDA

Tuesday, February 24, 2009
Page 11 of 13

(Item continued from the previous page)

Location: 6938, 6950, 6956, and 6990 E. 1st Street

Related Policies, References:

- General Plan
- Downtown Plan
- Case No. 84-DR-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

28. FY 2009/10 Compensation and Benefits Presentation – LA VERNE PARKER DIGGS, KEN NEMEC, MATT WANDOLSKI

Staff presentation and discussion of FY 2009/10 compensation and benefits.

Staff Contact(s): La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov

29. Contribution Rates for Employee Health and Dental Benefits –

MOTION TO CONTINUE ITEM 29, ASSIGN THE ISSUE TO THE BUDGET REVIEW COMMISSION FOR REVIEW, AND AWAIT ANY RECOMMENDATIONS OF THE COMMISSION PRIOR TO TAKING COUNCIL ACTION ON EMPLOYEE COMPENSATION AND BENEFITS. MOTION DIED FOR LACK OF A SECOND.

MOTION TO APPROVE THE CONTRIBUTION RATES FOR EMPLOYEE HEALTH AND DENTAL BENEFITS AS PRESENTED AND REFER THE ISSUE TO THE BUDGET REVIEW COMMISSION; AND, IF RECOMMENDED BY THE COMMISSION, THE COUNCIL WILL RE-EVALUATE THE EMPLOYEE CONTRIBUTION RATES MID-YEAR – OK – 5/2 (WE, RM)

Request: Adopt **Resolution No. 7873** approving employee premium contribution rates and plan design changes for employee medical and dental benefit plans for FY 2009/10, and authorizing staff to initiate necessary contractual material to add a third Aetna medical plan and not renew the MMSI Health Tradition medical plan.

Related Policies, References:

- Scottsdale Revised Code Section 14-102 relating to the contribution of City funds for employee insurance benefits
- On September 23, 2003, Council approved new employee health care contracts
- On December 8, 2003, Council approved benefit plan documents, summary plan descriptions and contribution rates
- On March 22, 2005, Council approved FY 2005/06 contribution rates
- On April 4, 2006, Council approved FY 2006/07 contribution rates
- On March 20, 2007, Council approved FY 2007/08 contribution rates
- On March 18, 2008, Council approved FY 2008/09 contribution rates

Staff Contact(s): La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov

REGULAR AGENDA

Tuesday, February 24, 2009

Page 12 of 13

30. **Post-Retirement Medical Benefits – MOTION TO ADOPT RESOLUTION No. 7874 – OK – 6/1 (TN)**
Request: Adopt **Resolution No. 7874** authorizing staff to take necessary steps, including drafting amendments to City Code, to implement a Retirement Health Savings plan for eligible employees and retirees, effective July 1, 2009; and modify the retiree eligibility provisions of the City-sponsored medical benefit plan.
Related Policies, References: Scottsdale Revised Code Chapter 14-83, Medical Leave
Staff Contact(s): La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov
31. **City Employee Wellness Facility Use Policy - MOTION TO ADOPT RESOLUTION No. 7658 – OK – 5/2 (JL, RM)**
Request: Adopt **Resolution No. 7658** authorizing City employees and retirees access to designated aquatic and fitness facilities at no fee, and registration for Parks and Recreation leisure education classes at the fee rates for City residents, and directing the City Manager to develop guidelines and monitor utilization to ensure that the public is not adversely impacted.
Related Policies, References:
 - Scottsdale Revised Code Section 20-52(a) and Section 14-104(a)
 - Live Life Well Program**Staff Contact(s):** La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

Mayor and Council Item begins on the following page

- 32. Citizen Budget Review Commission Appointments – BOB BERLESE, DAVID N. SMITH, MICHAEL FOSTER, MARTHA ECTON, DONNA REAGAN, ERIC BOROWSKY, AND CHAIR LOUIS SCHMITT**
Request: Each Councilmember will appoint one member of the Commission, with the Mayor appointing one member who shall serve as chair.
Related Policies, References: Ordinance Nos. 3842, 3843
Staff Contact(s): Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, tlasota@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 – 10:14 PM