

SCOTTSDALE

# CITY COUNCIL MEETING



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

(CONSENT AGENDA ITEM NO. 5 CONTINUED; ADDED CONSENT AGENDA ITEM NO. 12A)

### COUNCIL

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

Robert W. Littlefield  
Ron McCullagh  
Tony Nelssen

Tuesday, March 10, 2009

**5:00 P.M.**

**CITY COUNCIL MEETING**                      **MARKED AGENDA**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:03 PM**

**Roll Call** – **ALL PRESENT**

**Pledge of Allegiance** – **BROWNIE TROOP No. 1306**

**Invocation** – **NONE**

**City Manager's Report** – **CITY MANAGER JOHN LITTLE ANNOUNCED THAT THE "WEIGHTING IN TRAFFIC" TEAM WERE THE WINNERS OF THE CITY'S WEIGHT BUSTER CHALLENGE AND INTRODUCED THE SNEAKER CHALLENGE, THE CITY'S NEWEST HEALTH PROGRAM. MR. LITTLE THANKED THE POLICE DEPARTMENT FOR ACTIONS THAT LED TO THE ARREST OF 9 INDIVIDUALS IN A FRAUD INVESTIGATION. MR. LITTLE INVITED CITIZENS TO ATTEND A PUBLIC MEETING REGARDING DIAL-A-RIDE PROPOSED FARE CHANGES AND CERTIFICATION PROCESSES TO BE HELD AT THE GRANITE REEF SENIOR CENTER ON MARCH 13, 2009 AT 4 PM. MR. LITTLE REPORTED THAT THE 39<sup>TH</sup> ANNUAL SCOTTSDALE ARTS FESTIVAL IS SCHEDULED FOR MARCH 20-22, 2009 AT THE CIVIC CENTER MALL. HE INVITED RESIDENTS TO JOIN FORCES WITH THE SCOTTSDALE PRIDE COMMISSION TO TAKE PART IN KEEP SCOTTSDALE BEAUTIFUL 2009, A VOLUNTEER EFFORT TO HELP BEAUTIFY THE COMMUNITY. MR. LITTLE ANNOUNCED THAT THE SPRING TRAINING TROLLEY IS A FREE SERVICE THAT PROVIDES TRANSPORTATION TO THE SCOTTSDALE STADIUM FROM SEVERAL PUBLIC PARKING AREAS ALONG THE TROLLEY ROUTE.**

### **Presentations/Information Updates**

**Approval of Minutes**

**- OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[February 10, 2009](#)

[February 10, 2009](#)

[February 17, 2009](#)



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 – LEON SPIRO PRESENTED TWO CITIZEN PETITIONS TO THE COUNCIL. THE FIRST PETITION ASKS THE COUNCIL TO REPEAL AND/OR NULLIFY THE ABANDONMENT REQUEST IN CASE NO. 22-AB-2005, APPROVED ON FEBRUARY 10, 2009. THE SECOND PETITION ASKS THE COUNCIL TO SEEK A LEGAL OPINION FROM THE ARIZONA ATTORNEY GENERAL REGARDING THE CITY'S PRESENT ABANDONMENT POLICY ON ROADWAY AND PUBLIC UTILITY EASEMENTS AS DEEDED IN GOVERNMENT LAND OFFICE (GLO) FEDERAL LAND PATENT EASEMENT PARCELS WITHIN THE CITY.**

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 1-12A**

**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. **Caffe Portobello Liquor License (8-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.  
**Location:** 10401 E. McDowell Mountain Ranch Road, Suite A-1  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
2. **Samurai Cowboy Outdoor Dining License Agreement – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7787** authorizing Agreement No. 2008-192-COS with JBL Investments, Limited Partnership, an Arizona limited partnership, to use approximately 80 square feet of City right-of-way for outdoor dining in conjunction with the adjacent restaurant property.  
**Location:** 4237 N. Scottsdale Road  
**Related Policies, References:** Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including licenses, directly to adjoining property owners.  
**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
3. **Samurai Cowboy Permanent Extension of Premises (42-EX-2008) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Samurai Cowboy.  
**Location:** 4233 N. Scottsdale Road  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

# CONSENT AGENDA

Tuesday, March 10, 2009

Page 3 of 5

4. **Los Olivos Permanent Extension of Premises (14-EX-2009) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Los Olivos.  
**Location:** 7328 E. 2<sup>nd</sup> Street  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
  
- \*\*\*5. **Hawk Nest Estates Abandonment (11-AB-2008) – CONTINUED TO A DATE UNCERTAIN**  
**Request:** Continue to a date uncertain.  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
  
6. **Paseo Las Colinas Final Plat (19-PP-2005) – APPROVED ON CONSENT**  
**Request:** Approve a Final Plat, entry gate, entry monument, and wall for a 15-lot, single-family residential subdivision on a 20-acre parcel.  
**Location:** Northeast corner of North 64<sup>th</sup> Street and East Jomax Road  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
  
7. **Code Amendment Pertaining to the Approval of Special Event Liquor Licenses – APPROVED ON CONSENT**  
**Request:** Adopt **Ordinance No. 3840** amending Chapter 16, Article V, Section 16-188 of the Scottsdale Revised Code granting the Mayor, 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](mailto:cclifford@scottsdaleaz.gov)
  
8. **Arizona Bike Week WestWorld Facility Use Agreement – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7879** authorizing Agreement No. 2009-014-COS with FX Promotions, Inc., dba Arizona Bike Week, to use WestWorld's special event facility for Arizona Bike Week.  
**Related Policies, References:** The existing contract with FX Promotions is on a year to year basis. By approving this contract FX Promotions will be able to produce Arizona Bike Week at WestWorld from 2009 to 2011.  
**Staff Contact(s):** Brian Dygert, WestWorld General Manager, 481-312-6825, [bdygert@scottsdaleaz.gov](mailto:bdygert@scottsdaleaz.gov)

# CONSENT AGENDA

Tuesday, March 10, 2009

Page 4 of 5

9. **Western Festivals LLC WestWorld Facility Use Agreement** – APPROVED ON CONSENT  
**Request:** Adopt **Resolution No. 7880** authorizing Agreement No. 2009-015-COS with Western Festivals, LLC, to use WestWorld’s special event facility for the Festival of the West.  
**Related Policies, References:** The Festival of the West is returning to WestWorld in 2009. By approving this contract, Western Festivals, LLC will be able to produce The Festival of the West at WestWorld from 2009 to 2011.  
**Staff Contact(s):** Brian Dygert, WestWorld General Manager, 481-312-6825, [bdygert@scottsdaleaz.gov](mailto:bdygert@scottsdaleaz.gov)
10. **Scottsdale/McDowell Transit Facility Engineering Services Contract Modification** – APPROVED ON CONSENT  
**Request:** Adopt **Resolution No. 7774** authorizing Engineering Services Contract Modification No. 2005-184-COS-A1 with PB Americas, Inc., in the amount of \$213,022 for the design of the Scottsdale/McDowell Transit Facility.  
**Related Policies, References:** On December 12, 2005, Council awarded Contract No. 2005-184-COS to Parsons, Brickerhoff, Quade & Douglas, Inc., for the planning of the Scottsdale/McDowell Transit Passenger Facility.  
**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov); Mary O’Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)
11. **Emergency Stand-by Generator System and Screen Wall Installation at Fire Station 609 Construction Bid Award** – APPROVED ON CONSENT  
**Request:** Adopt **Resolution No. 7826** authorizing Construction Bid Award No. 09PB027 with AJP Electric, the lowest responsive bidder, at their bid amount of \$49,703 for purchase and installation of an emergency stand-by generator system with a screen wall for Fire Station 609.  
**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); William McDonald, Fire Chief, 480-312-1880, [wmcDonald@scottsdaleaz.gov](mailto:wmcDonald@scottsdaleaz.gov)
12. **McKellips Road Interconnecting Waterline Construction Bid Award** – APPROVED ON CONSENT  
**Request:** Adopt **Resolution No. 7881** authorizing Construction Bid Award No. 09PB030 with Underground Utilities, Inc., the lowest responsive bidder, at their bid amount of \$301,925 for construction of the McKellips Road interconnecting waterline.  
**Related Policies, References:** Council approved the FY 2008/09 Capital Improvement Plan, which includes project W9912 for water distribution system improvements.  
**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov); Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)
- \*\*\*12A. **City Manager Employment Agreement** – APPROVED ON CONSENT  
**Request:** Approve City Manager employment agreement effective March 10, 2009.  
**Staff Contact(s):** La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, [lparkerdiggs@scottsdaleaz.gov](mailto:lparkerdiggs@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.**

**13. Acquisition of Real Property for Fire Station 16 – MOTION TO ADOPT RESOLUTION No. 7850 – OK – 4/3 (JL, LB, RL)**

**Request:** Adopt **Resolution No. 7850** approving Real Estate Purchase Agreement No. 2009-007-COS with Summit Vistas, Inc., authorizing the acquisition of approximately 3.32 acres of real property known as Maricopa County Assessor Parcel 219-60-669 for Fire Station 16 in the amount of \$1,120,455, plus closing costs, to be funded from CIP project B0403, Desert Foothills Fire Station 13.

**Location:** 110<sup>th</sup> Street and Cave Creek Road

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov); William McDonald, Fire Chief, 480-312-1880, [wmcDonald@scottsdaleaz.gov](mailto:wmcDonald@scottsdaleaz.gov)

**Public Comment – ROBERT HING EXPRESSED CONCERN ABOUT THE INDIAN BEND ROAD CLOSURE BETWEEN SCOTTSDALE AND HAYDEN ROADS DURING THE MONTHS OF FEBRUARY AND MARCH.**

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 -**

- **VICE MAYOR McCULLAGH ASKED FOR AN UPDATE ON THE ENVIRONMENTAL INITIATIVES DEPARTMENT. CITY MANAGER JOHN LITTLE SAID THE ENVIRONMENTAL INITIATIVES EFFORT WILL BE ESTABLISHED AS AN EMBEDDED UNIT IN AN EXISTING DEPARTMENT, IT WILL NOT BE PROPOSED AS A STAND-ALONE DEPARTMENT.**
- **MAYOR LANE ANNOUNCED THAT COUNCIL WILL BE DISCUSSING FEDERAL STIMULUS BILLS AND SUBSIDIES AT THE MARCH 24, 2009 COUNCIL MEETING.**
- **COUNCILMAN NELSEN ASKED THAT STAFF PROVIDE AN UPDATE REGARDING FEEDBACK FROM THE ENVIRONMENTAL QUALITY ADVISORY BOARD AND PLANNING EXPERTS ON THE POSSIBILITY OF REQUIRING IMPLEMENTATION OF GREEN BUILDING STANDARDS ON PROJECTS.**
- **COUNCILMAN NELSEN ASKED THAT A TEXT AMENDMENT ALLOWING THE BOARDING OF HORSES ON RESIDENTIAL PROPERTY WITHOUT THE REQUIREMENT OF A CONDITIONAL USE PERMIT OR RANCH PERMIT BE AGENDIZED FOR DISCUSSION.**
- **COUNCILMAN ECTON ASKED FOR AN UPDATE ON THE STATUS OF A NOISE ORDINANCE. MR. LITTLE ADVISED THAT HE WOULD PROVIDE THE COUNCIL WITH INFORMATION IN THE FORM OF A WRITTEN MEMORANDUM.**

**Adjournment – 6:33 PM**