

SCOTTSDALE

# CITY COUNCIL MEETING



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

[ADDED MARCH 10, 2009 REGULAR MEETING MINUTES; REWORDED CONSENT AGENDA ITEMS 10, 12, AND 13; AND ADDED CONSENT AGENDA ITEM NO. 22A AND MAYOR AND COUNCIL ITEMS 28 AND 29]

### COUNCIL

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

Robert W. Littlefield  
Ron McCullagh  
Tony Nelssen

Tuesday, March 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** – **GREATER BOYS AND GIRLS CLUBS OF SCOTTSDALE YOUTH OF THE YEAR FINALISTS**

**Invocation** – **RYAN HEATH, SCOTTSDALE BIBLE CHURCH**

**City Manager's Report** – **MR. LITTLE ACKNOWLEDGED CITY EMPLOYEES JOHN GRUTZMACHER AND PAUL BERUMEN FOR THEIR QUICK AND DECISIVE ACTIONS WHEN THEY ASSISTED A CITIZEN AFTER HE WAS BITTEN BY A RATTLESNAKE. THE CITY'S CASH HANDLING PROGRAM WAS CERTIFIED BY THE ASSOCIATION OF PUBLIC TREASURERS OF THE UNITED STATES AND CANADA FOR MEETING ALL CRITERIA FOR ACCOUNTABILITY AND INTERNAL CONTROLS. THE LIBRARY IS COLLABORATING WITH OTHER LIBRARIES IN THE VALLEY TO INTRODUCE THE CULTURE PASS. THE PASS ALLOWS LIBRARY CARD HOLDERS FREE ADMISSION FOR UP TO FOUR PEOPLE AT PARTICIPATING LOCATIONS. THE CITY WAS NOTED IN THE SUNDAY, MARCH 21<sup>ST</sup> NEW YORK TIMES TRAVEL SECTION AND THE ARTICLE FEATURED SEVERAL LOCAL ATTRACTIONS INCLUDING THE SCOTTSDALE MUSEUM OF CONTEMPORARY ART, THE MONDRIAN HOTEL, AND MISSION RESTAURANT.**

**Presentations/Information Updates**

**Approval of Minutes**

**- OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[February 24, 2009](#)

[February 24, 2009](#)

[March 3, 2009](#)

[\\*\\*\\*March 10, 2009](#)

[March 3, 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 – DONALD KING EXPRESSED CONCERN WITH THE POTENTIAL FOR A FATAL ACCIDENT OCCURRING DURING CITY SPONSORED PARKS AND RECREATION DEPARTMENT PROGRAMS. HE SHARED HIS EXPERIENCE OF BEING INJURED WHILE PARTICIPATING IN A MEN’S RECREATIONAL SOFTBALL LEAGUE. JAMES McCAY SPOKE OF THE CITY’S ANNUAL ENERGY CONSUMPTION AND SAID IT WAS IMPORTANT TO INCREASE THE EFFICIENCY OF THE CITY’S BUILDINGS.**

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 1-22A**

**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.

- Angels and Outlaws Liquor License (9-LL-2009) – APPROVED ON CONSENT**  
**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 location with a new owner.  
**Location :** 6990 E. Shea Boulevard, Suite 101  
**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)
- The Bamboo Club Liquor License (10-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:** 8624 E. Shea Boulevard  
**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)
- Circle K Store No. 6347 Liquor License (11-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 business.  
**Location:** 8202 E. McDowell 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

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4. **Brio Tuscan Grill Liquor License (12-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 a new location and owner.  
**Location:** 15101 N. Scottsdale Road, Building A  
**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. **Fry's Signature Store No. 673 Liquor License (13-LL-2009)** – APPROVED ON CONSENT  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a location transfer of a series 7 (beer and wine bar) liquor license for an existing business.  
**Location:** 20427 N. Hayden 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)
  
6. **True Blue Imports Liquor License (14-LL-2009)** – APPROVED ON CONSENT  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesale) liquor license for a new location and owner.  
**Location :** 9375 E. Shea Boulevard, Suite 100  
**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. **Firesky Resort & Spa Liquor License (15-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 6 (bar) liquor license.  
**Location:** 4925 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)
  
8. **Cream Stereo Lounge Liquor License (16-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 6 (bar) liquor license.  
**Location:** 4252 N. Drinkwater Boulevard, Suite A  
**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)
  
9. **The Lodge Permanent Extension of Premises (18-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 The Lodge.  
**Location:** 4422 N. 75<sup>th</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)

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- \*\*\*10.** [HealthSouth Rehab Hospital Conditional Use Permit \(10-UP-1999#2\)](#) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA  
**Request:** Adopt **Resolution No. 7891** approving an amendment to the Conditional Use Permit for the expansion of an existing hospital facility and finding that the conditional use permit criteria have been met.  
**Related Policies, References:** 84-ZN-1987, 20-ZN-1991#4, 96-DR-1999, 10-UP-1999, and 10-AB-2002  
**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)
- 11.** [Southbeach Restaurant Conditional Use Permit \(18-UP-2008\)](#) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA  
**Request:** Adopt **Resolution No. 7894** approving the Live Entertainment Conditional Use Permit and finding that the conditional use permit criteria have been met.  
**Location:** 9343 E. Shea Boulevard  
**Related Policies, References:** 11-ZN-2002 and 8-DR-2004  
**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)
- \*\*\*12.** [Westcor Aviation Conditional Use Permit \(30-UP-2008\)](#) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA  
**Request:** Adopt **Resolution No. 7892** approving a Conditional Use Permit for an off-airport heliport and finding that the conditional use permit criteria have been met.  
**Location:** 15035 N. 73<sup>rd</sup> Street  
**Related Policies, References:** 110-DR-1984, 3-UP-1985, and 9-UP-195  
**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)
- \*\*\*13.** [Westcor Aviation Conditional Use Permit \(31-UP-2008\)](#) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA  
**Request:** Adopt **Resolution No. 7893** approving a Conditional Use Permit for an off-airport heliport and finding that the conditional use permit criteria have been met.  
**Location:** 7305 E. Greenway Road  
**Related Policies, References:** 77-DR-1987#2 and 57-UP-1984  
**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)
- 14.** [Chiricahua Village at Desert Mountain Replat \(5-PP-2000#2\)](#) – APPROVED ON CONSENT  
**Request:** Approve a replat for Desert Mountain Phase III, Unit Thirty-Eight.  
**Location:** 42800 N. Desert Mountain Parkway  
**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)

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15. **Settlement of City of Scottsdale v. CGP-Aberdeen, LLC, a Preserve Condemnation Case – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7899** authorizing the City Attorney to settle *City of Scottsdale v. CGP-Aberdeen LLC*, Maricopa County Superior Court Case No. CV2003-000635, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve, in the amount of \$7,500,000, less amounts previously paid, plus statutory interest.  
**Related Policies, References:**
  - Resolution No. 6073, which authorized the condemnation of the ±50-acre parcel for the McDowell Sonoran Preserve
  - Resolution No. 6173, which authorized settlement of this action subject to the property owner's right to appeal**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)
  
16. **Settlement of Mogens Hans Kiehn v. Victor Ledo and the City of Scottsdale, et al. – APPROVED ON CONSENT**  
**Requests:**
  1. Adopt **Resolution No. 7895** authorizing the City to enter into settlement with the plaintiff for a total sum of \$90,000 in the matter of *Mogens Hans Kiehn v. Victor Ledo and the City of Scottsdale, et al.*, Maricopa County Superior Court Case No. CV2008-029595, currently pending in the Maricopa County Superior Court.
  2. Authorize a \$90,000 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](mailto:drobberson@scottsdaleaz.gov)
  
17. **Intergovernmental Agreement with Maricopa County for Animal Care and Control Services – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7884** authorizing Intergovernmental Agreement No. 2007-072-COS-A1 with Maricopa County for the provision of animal care and control services.  
**Related Policies, References:** The City is authorized to enter into this agreement pursuant to A.R.S. 11-952 and Scottsdale City Charter, Article 1, 3-1.  
**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
  
18. **Levee Certification Engineering Services Contract – APPROVED ON CONSENT**  
**Request:** Adopt **Resolution No. 7843** authorizing Engineering Services Contract No. 2009-005-COS with Exponent, Inc. in the amount of \$295,147 to certify that specified flood protection levees meet federal levee safety criteria.  
**Related Policies, References:** Between 2002 and 2006, FEMA issued a series of procedure memoranda outlining technical requirements for identifying, reviewing, and certifying levees for compliance with the requirements of the National Flood Insurance Program.  
**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

# CONSENT AGENDA

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19. **Indian School Road Improvements Construction Phase Services Contract** – APPROVED  
**ON CONSENT**

**Request:** Adopt **Resolution No. 7883** authorizing:

1. CM@Risk Construction Phase Services Contract Modification No. 2008-029-COS-A2 with Achen Gardner Engineering, LLC, at a guaranteed maximum price of \$6,355,147.53 for Phase 3 of the Indian School Road Project.
2. A capital budget transfer of \$500,000 from CIP Project S0404 (Center Drive – 74<sup>th</sup> to Hayden) to CIP Project S0308 (Indian School Road – Drinkwater to Pima Freeway).
3. A capital budget transfer of \$1,400,000 from CIP Project S2102, Cactus Road: Pima Freeway to Frank Lloyd Wright Boulevard, to CIP Project S0308: Indian School Road – Drinkwater to Pima Freeway.

**Related Policies, References:**

- On September 21, 2004, Council approved Engineering Services Contract No. 2004-116-COS for the design of Indian School Road improvements between Drinkwater Boulevard and Pima Road
- On September 19, 2006, Council approved CM@Risk Design Phase Services Contract No. 2006-150-COS with Achen-Gardner Engineering for pre-construction services
- On May 20, 2008, Council authorized acquisition of various rights-of-way on Indian School Road between Drinkwater Boulevard and Pima Road
- On April 1, 2008, Council approved CM@Risk Construction Phase Services Contract No. 2008-029-COS with Achen-Gardner Engineering for construction for Phase 1 improvements
- On June 3, 2008, Council approved Contract Modification No. 2008-029-COS-A1 for construction of Phase 2 improvements

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

20. **Troon North Park Design Services Contract Modification** – APPROVED ON CONSENT

**Request:** Adopt **Resolution No. 7886** authorizing Design Services Contract Modification No. 2008-015-COS-A1 with JJR/Floor in the amount of \$480,295.71 to complete design documents and provide bid administration services for Troon North Park.

**Related Policies, References:** On March 4, 2008, Council approved Architectural Services Contract No. 2008-015-COS with Floor Associates for conceptual design services for Troon North Park

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

21. **Downtown Sewer Trunk Lines and Water Transmission Lines Engineering Services Contract** – APPROVED ON CONSENT

**Request:** Adopt **Resolution No. 7882** authorizing:

1. Engineering Services Contract No. 2009-016-COS with Wilson Engineers, LLC in the amount of \$541,095 for the design of sewer trunk lines and water transmission lines serving the Downtown area.
2. Creation of a new capital project Downtown Sewer Trunk Lines and funding the project with a \$5,700,000 budget transfer from CIP Project V3704, Sewer Collection System Improvements.
3. Creation of a new capital project Downtown Water Transmission Lines and funding the project with a \$6,400,000 budget transfer from CIP Project W9912, Water Distribution Systems Improvements.

**Related Policies, References:** On March 4, 2008, Council approved adoption of the 2008 Integrated Water and Wastewater Master plans

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

# CONSENT AGENDA

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22. **Designation of the City of Scottsdale's Official Posting Sites** – APPROVED ON CONSENT  
**Request:** Adopt **Resolution No. 7900** rescinding Resolution No. 3189, and re-designating the places at which notices of meetings of all public bodies of the City, including its Council, boards, commissions, and agencies, shall be posted.  
**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)
- \*\*\*22A. **Cross Appeal in Scottsdale Perimeter I, LLC v. City of Scottsdale, et al.** – APPROVED ON CONSENT  
**Request:** Adopt Resolution 7912 authorizing the City Attorney to file a Notice of Cross-appeal in *Scottsdale Perimeter I, LLC v. City of Scottsdale et al.*, Cause No. CV2004-019183.  
**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)

**Regular Agenda begins on following page**

## REGULAR AGENDA      ITEMS 23-24

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**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. American Recovery and Reinvestment Act Briefing – BRIDGET SCHWARTZ MANOCK PRESENTATION**

**Request:** Provide background and information to the City Council and receive possible direction regarding the American Recovery and Reinvestment Act and the various funding opportunities to the City.

**Staff Contact(s):** Bridget Schwartz-Manock, Intergovernmental Relations Director, [bschwartzmanock@scottsdaleaz.gov](mailto:bschwartzmanock@scottsdaleaz.gov), 480-312-2423

**24. Legislative Update – BRIDGET SCHWARTZ-MANOCK PRESENTATION**

**Request:** Provide an update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

**Staff Contact(s):** Bridget Schwartz-Manock, Intergovernmental Relations Director, [bschwartzmanock@scottsdaleaz.gov](mailto:bschwartzmanock@scottsdaleaz.gov), 480-312-2423

**Mayor and Council Items begin on following page**

25. **Citizen Petition to Repeal and/or Nullify Abandonment Request No. 22-AB-2005 – NO ACTION TAKEN**  
**Request:** Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to repeal and/or nullify Abandonment Request No. 22-AB-2005 approved by the Council on February 10, 2009. The petition was submitted by Mr. Leon Spiro at the March 10, 2009 City Council meeting.  
**Related Policies, References:** City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”  
**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)
26. **Citizen Petition Seeking a Legal Opinion From the Arizona Attorney General – NO ACTION TAKEN**  
**Request:** Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to seek a legal opinion from the Arizona Attorney General regarding the City’s present roadway abandonment policy as deeded in Federal Land Patent parcels (GLO parcels) within the City. The petition was submitted by Mr. Leon Spiro at the March 10, 2009 City Council meeting.  
**Related Policies, References:** City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”  
**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)
27. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for March 31, 2009)**  
**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 Relations Commission (one vacancy) – **SUSAN GALPIN, LINDA ROSS**  
Personnel Board (one vacancy) – **BILL AMATO, LYLE FERGER, PETER RUSIN, JOHN TUTELMAN**

**\*\*\*28. Authority to Govern by Proclamation –**

**MOTION THAT THIS COUNCIL VEST OWNERSHIP OF THE POLICY-RELATED CITIZEN BODIES IN THE COUNCIL AND LIMIT THEIR CREATION, CHANGE, AND TERMINATION TO ACTIONS BY THE COUNCIL – FAILED 3/4 (JL, LB, RL, TN)**

**MOTION TO SPECIFICALLY RATIFY THE CHANNEL 11 COMMITTEE THAT HAS BEEN FORMED OR APPOINTED BY THE MAYOR – WITHDRAWN**

**MOTION TO DIRECT THE RESOLUTION THAT THE MAYOR SHALL HAVE THE POWER TO ESTABLISH AD HOC ADVISORY COMMITTEES OR TASK FORCES WHICH REPORT TO THE MAYOR. ADDITIONALLY, THE MAYOR MAY REQUEST THE ASSISTANCE OF THE CITY MANAGER AND/OR THE CITY CLERK TO ASSIST THE ADVISORY COMMITTEE OR THE TASK FORCE TO BE IN COMPLIANCE WITH THE OPEN MEETING LAW AND, IF APPROPRIATE, PUBLIC RECORD LAWS – OK – 4/3 (WE, SK, RM)**

**Request:** At the request of Vice Mayor McCullagh, discuss, clarify, and take action on authority of the Mayor to govern Scottsdale by proclamation and/or create or constitute commissions, committees, boards, task forces, or any other policy-recommending bodies, in such a way as to limit or diminish the relative influence of the Council on any policy-related decision or resulting the unauthorized commitment of staff, funds, or resources.

**\*\*\*29. Channel 11 Programming – VICE MAYOR McCULLAGH ASKED TO AGENDIZE FOR DISCUSSION AND POSSIBLE ACTION THE CREATION OF AN AD HOC COMMITTEE ON SCOTTSDALE’S CHANNEL 11. THE PURPOSE OF THE COMMITTEE WOULD BE TO UTILIZE CITY STAFF INCLUDING THE CITY ATTORNEY’S OFFICE IN MAKING RECOMMENDATIONS FOR COUNCIL ACTION REGARDING POLICIES, PROCEDURES, PROGRAMMING AND ANY OTHER MATTERS RELATING TO THE CITY’S OPERATION OF CHANNEL 11**

**Request:** At the request of Vice Mayor McCullagh, schedule future discussion and possible action on policies and procedures governing the use of Scottsdale’s Channel 11 programming.

**Public Comment – LEON SPIRO PRESENTED TWO PETITIONS TO THE COUNCIL. THE FIRST PETITION ASKS FOR A LEGAL OPINION FROM THE CITY ATTORNEY RELATED TO THE ABANDONMENT OF THE CITY’S INTEREST IN FEDERAL LAND PATENT ROADWAY AND PUBLIC UTILITY EASEMENTS. THE SECOND PETITION REQUESTS THE COUNCIL TO ASK A MEMBER OF THE LEGISLATURE TO SEEK A LEGAL OPINION FROM THE ARIZONA ATTORNEY GENERAL REGARDING THE CITY’S PRESENT ABANDONMENT POLICY REGARDING ROADWAY AND PUBLIC UTILITY EASEMENTS AS DEEDED IN FEDERAL LAND PATENT PARCELS WITHIN THE CITY (GLO PARCELS).**

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 – 7:47 PM**