

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

[REWORDED MAYOR & COUNCIL ITEM No. 29]

COUNCIL

W.J. "Jim" Lane, Mayor

Lisa M. Borowsky

Wayne Ecton

Suzanne Klapp

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, April 21, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:02 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILWOMAN KLAPP**

Invocation – **PASTOR JOE GORDON, SCOTTSDALE BIBLE CHURCH**

City Manager's Report – **MR. LITTLE REPORTED THAT SCOTTSDALE HEALTHCARE OFFICIALS COMMENDED CITY STAFF FOR PUBLIC OUTREACH EFFORTS ON THE DOWNTOWN PLAN UPDATE. A CITIZEN SENT A LETTER OF APPRECIATION THANKING CITY EMPLOYEES MICHAEL SAN MIGUEL AND MATHEW BERUMEN FOR THEIR HARD WORK IN CLEANING UP BOXES OF CACTUS DEBRIS IN AN ALLEY AFTER A HEAVY RAINSTORM. CITY EMPLOYEE LATRICIA HARPER WOODS WAS SELECTED AS ONE OF THE PHOENIX BUSINESS JOURNAL'S "40 UNDER 40 CLASS OF 2009" AS UP AND COMING LEADERS WHO ARE PROVEN PERFORMERS IN THEIR PROFESSION AS WELL AS THEIR COMMUNITY. MR. LITTLE REPORTED THAT A \$10M SAVINGS WAS REALIZED THROUGH CITY STAFF'S VALUE ENGINEERING SKILLS ON THE SOUTHERN WATER QUALITY IMPROVEMENT PROJECT. ON APRIL 4, 2009, SEVERAL CITY EMPLOYEES ASSISTED TWO FAMILIES IN SOUTHERN SCOTTSDALE WITH HOME REVITALIZATION PROJECTS.**

Presentations/Information Updates

Approval of Minutes

- OK – 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[March 24, 2009](#)

[March 31, 2009](#)

[March 31, 2009](#)

[April 7, 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 – ART DECABOOTER INVITED THE PUBLIC TO THE MCDOWELL SONORAN PRESERVE GATEWAY GRAND OPENING SCHEDULED FOR 7 A.M. ON MAY 2, 2009. HE SAID VISITORS CAN VIEW THE PRESERVE MAPS, TALK TO VOLUNTEERS ABOUT TRAILS THAT CONNECT TO THE GATEWAY, LISTEN TO PRESENTATIONS ON A VARIETY OF TOPICS RELATED TO THE DESERT AND THE GATEWAY CENTER, AND HAVE A SNEAK PREVIEW OF THE INTERPRETIVE TRAIL.

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 1-23

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. **Tandoori Times Indian Bistro Liquor License (17-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: 8140 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. **Samurai Cowboy Liquor License (18-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 and owner.
Location: 4233 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, 480-312-2664, cpadian@scottsdaleaz.gov
3. **Villa Brands Liquor License (19-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: 14885 N. 83rd Place, Suite 102
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, April 21, 2009
Page 3 of 11

4. **Elite Vineyards of New Zealand Liquor License (20-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: 15455 N. 84th 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

5. **Dos Gringos Permanent Extension of Premises (23-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 Dos Gringos.
Location: 4209 N. Craftsman Court
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. **Upper Deck Sports Grill Permanent Extension of Premises (24-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 Upper Deck Sports Grill.
Location: 4224 N. Craftsman Court
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. **Family Promise Conditional Use Permit (8-UP-2009)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA
Request: Adopt **Resolution No. 7920** approving the Conditional Use Permit for a community building, not publicly owned, and finding that the conditional use permit criteria have been met.
Location: 7221 E. Belleview Street
Related Policies, References:
 - General Plan
 - Five-year Strategic Plan
 - Annual Action Plan FY 2008/09, Community Assistance Office**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

8. **Tiara Estates Abandonment (14-AB-2007)** – APPROVED ON CONSENT
Requests:
 1. Abandon 20 feet of roadway and public utility easement along the East Alameda Road alignment between the North 126th Street and North 128th Street alignments.
 2. Abandon 15 feet of right-of-way and roadway and public utility easement along East Mariposa Grande Drive between the North 126th Street and North 128th street alignments.

(Item No. 8 continued on the following page)

CONSENT AGENDA

Tuesday, April 21, 2009
Page 4 of 11

(Item No. 8 continued from the previous page)

3. Abandon 15 feet of roadway and public utility easement along the North 126th Street alignment, between the East Alameda Road and East Mariposa Grande Drive alignments.
4. Abandon 55 feet of roadway and public utility easement along the North 128th Street alignment, between the East Alameda Road and East Mariposa Grande Drive alignments.
5. Abandon approximately 380 linear-feet of a 40-foot full-street right-of-way, north/south cul-de-sac segment of East Mariposa Grande Drive. The 40-foot full-street right-of-way and 45-foot radius cul-de-sac are internal to parcels 217-01-104, 217-01-105, and 217-01-106.
6. Adopt **Resolution No. 7908** vacating and abandoning public rights-of-way.

Location: 12664 E. Mariposa Grande Drive

Related Policies, References:

- 36-ZN-1984
- 113-ZN-1984
- 179-SA-2003
- 9-PP-2007
- 77-NP-2007
- 111-RE-2007

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

9. Desert Mountain Phase II Replat, Unit 22 (43-PP-1995#2) – APPROVED ON CONSENT

Request: Approve a replat for Desert Mountain Phase II, Unit 22 (The Village of Desert Hills).

Location: 42800 N. Desert Mountain Parkway

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

10. Desert Mountain Phase II Replat, Unit 25 (7-PP-1997#2) – APPROVED ON CONSENT

Request: Approve a replat for a portion of Desert Mountain Phase II, Unit 25.

Location: 10082, 10070 and 10058 E. Taos Drive

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

11. In-Lieu Parking Payment Structure – CONTINUED TO JUNE 16, 2009 – OK – 7/0

Request: Continue to June 16, 2009.

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichtert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, April 21, 2009
Page 5 of 11

12. **Drift In-Lieu Parking Request (5-IP-2007)** – CONTINUED TO JUNE 16, 2009 – OK – 7/0
Request: Continue to June 16, 2009.
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, dichert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov
13. **Drift Rezoning and Conditional Use Permits (2-ZN-2007 and 21-UP-2007#2)** – CONTINUED TO JUNE 16, 2009 – OK – 7/0
Request: Continue to June 16, 2009.
Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, dichert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov
14. **Intergovernmental Agreement with Fountain Hills for Fingerprinting Services** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7914** authorizing the City to enter into Intergovernmental Agreement No. 2009-022-COS with the Town of Fountain Hills to provide fingerprinting services.
Related Policies, References:
 - Arizona Revised Statutes Sections 11-951
 - Scottsdale City Charter, Article 1, Section 3.1**Staff Contact(s):** La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov
15. **Scottsdale Cares Allocation** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7905** approving the recommendations of the Human Services Commission for allocation of FY 2009/10 funding for Scottsdale Cares programs in the amount of \$240,000; authorizing the Mayor to execute contracts, effective July 1, 2009, for services to be funded through the program that exceed the formal bid limit of \$25,000; and authorizing the Community Services General Manager, or designee, to execute those that do not exceed the formal bid limit.
Related Policies, References:
 - On February 21, 1995, Council approved Ordinance No. 2744 authorizing the Scottsdale Cares voluntary utility donation program, Scottsdale Revised Code Section 2-138
 - On April 15, 2008, Council approved Resolution No. 7522 authorizing allocation of Scottsdale Cares for FY 2008/09
 - Scottsdale Revised Code Section 2-180, Purpose; Director Powers and Duties; Delegation
 - Procurement Code Procedure P2-180.2, Procurement Delegation
 - Scottsdale Revised Code Section 2-185, Informal and formal procurement limits
 - Scottsdale Revised Code Section 2-201, Award of Contract**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, April 21, 2009
Page 6 of 11

16. **Rassner/Library and Scottsdale Community/Human Services Endowments** – APPROVED
ON CONSENT
Request: Adopt **Resolution No. 7906** approving the distribution of interest income from the City’s endowment program for FY 2009/10.
Related Policies, References:
- On July 1, 2002, Council approved Resolution No. 6112 authorizing field-of-interest agreements with the Arizona Community Foundation and identified City boards to assist in the recommendations as to distribution of funds
 - On April 15, 2008, Council approved Resolution No. 7520 approving the distribution of interest income of the City’s endowment program for FY 2008/09
- Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov
17. **Reallocation of Assessment Numbers for Bell Road II Improvement District** – APPROVED
ON CONSENT
Request: Adopt **Resolution No. 7381** reallocating improvement district assessment numbers 000.0020 and 000.0021 for water lines, sewer lines, and street improvements within the Bell Road II Improvement District, Series 106.
Related Policies, References:
- On February 4, 2001, Council adopted Resolution No. 5751 declaring the intention to form the improvement district
 - On June 5, 2001, Council adopted Resolution No. 5832 ordering work to begin within the district
 - On November 5, 2001, Council adopted Resolution No. 5961 approving the Assessment Diagram and ordering the Sale of Not to Exceed \$7.9 Million in Improvement District (ID) Bonds
 - On April 1, 2003, Council adopted Resolution No. 6262 approving final assessments
- Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
18. **WestWorld ADA and Site Improvements Construction Bid Award** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7889** authorizing Construction Bid Award No. 09PB047 with The S.J. Anderson Company, the lowest responsive bidder, at their bid amount of \$245,000.
Related Policies, References: On July 9, 2007, Council authorized Architectural Services Contract No. 2007-087-COS with Fucello Architects for the design of the new WestWorld horse barns, site improvements, restrooms and show offices
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Brian Dygert, WestWorld General Manager, 481-312-6825, bdygert@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, April 21, 2009
Page 7 of 11

19. Acquisition of Easements and Construction Services Contract for Pima Road Improvements – APPROVED ON CONSENT

Requests:

1. Adopt **Resolution No. 7898** authorizing an extension of time for easement acquisition for the purpose of constructing sound barriers along Pima Road.
2. Adopt **Resolution No. 7885** authorizing award of Construction Manager at Risk (CM@Risk) Construction Services Contract No. 2009-017-COS with Achen-Gardner Engineering, LLC at a guaranteed maximum price of \$2,366,131.54 for Phase 1 of the Pima Road Improvements Project.

Related Policies, References:

- On November 15, 2005, Council awarded CM@Risk Contract No. 2005-167-COS to Achen Gardner Engineering, LLC for pre-construction services for Pima Road from SR Loop 101 Freeway to Pinnacle Peak Road
- On June 16, 2003, Council awarded Engineering Services Contract No. 2003-114-COS to Entellus, Inc., for design of improvements to Pima Road from SR Loop 101 Freeway to Thompson Peak Parkway
- On March 4, 2008, Council authorized the acquisition of easements for the purpose of construction of sound barriers associated with the Pima Road widening project between the Deer Valley Road alignment and Pinnacle Peak Road

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

20. Intergovernmental Agreement with the Flood Control District of Maricopa County for the Design of Upper Camelback Wash Drainage Improvement Project – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7896** authorizing Intergovernmental Agreement No. 2009-020-COS with the Flood Control District of Maricopa County for the design of Upper Camelback Wash drainage improvement project.

Related Policies, References:

- On October 14, 2003, Council awarded Engineering Services Contract No. 2003-154-COS to Stantec Consulting for preliminary design of Upper Camelback Wash drainage and multiuse path improvement projects
- On May 2, 2006, Council awarded Engineering Services Contract No. 2006-026-COS to Primatech, LLC for final design of Upper Camelback Wash drainage and multiuse path improvement projects
- On October 29, 2005, February 20, 2007, and October 16, 2007, Council authorized acquisition of various parcels of real property for use as part of the Upper Camelback Wash drainage improvements

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

CONSENT AGENDA

Tuesday, April 21, 2009
Page 8 of 11

21. **Construction Services Contract for Water Quality Improvements, Southern Neighborhoods Project (Water Pump Station 80 Upgrades)** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7811** authorizing CM@Risk Construction Services Contract No. 2008-200-COS with Currier Construction, Inc., in the amount of \$2,744,745.96 for the Water Quality Improvements, Southern Neighborhoods Project (Water Pump Station 80 upgrades).
Related Policies, References:
- On January 7, 2002, Council authorized Engineering Services Contract No. 2002-001-COS with Malcolm Pirnie, Inc., to provide Phase 1 design services for the Water Quality Improvements Southern Neighborhoods Project
 - On July 9, 2007, Council authorized Contract Modification No. 2002-001-COS-A1 to add Phase 2 design requirements
 - On June 6, 2008, Council awarded Contract No. 2008-060-COS to Currier Construction, Inc., for CM@Risk Design Phase Services for the Water Quality Improvements Southern Neighborhoods Project
- Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov
22. **Acquisition of Easements for Neighborhood Stormwater Improvements** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7911** authorizing the acquisition of easements totaling approximately 0.335 acres on Calle de Mandel south of Dynamite Boulevard and west of 64th Street. The property is required for the construction and maintenance of drainage improvements.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
23. **Authorization to Apply for Proposition 202 Annual Gaming Revenue Grants** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7916** authorizing the Government Relations Director to submit Proposition 202 grant applications to the various local Indian Nations on behalf of the City during the period of July 1, 2009 through June 30, 2010.
Related Policies, References:
- Arizona Revised Statutes Section 5-601.01, codifying in part Proposition 202, an initiative measure approved by the electors at the November 5, 2002 general election
 - On April 15, 2008, Council approved Resolution No. 7490 authorizing the Government Relations Director to submit Proposition 202 grant applications to the various local Indian Nations on behalf of the City during the period of July 1, 2008 through June 30, 2009
- Staff Contact(s):** Bridget Schwartz-Manock, Intergovernmental Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov; Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@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.**

24. Upper Deck Teletrack Wagering License Renewal (Application No. 1019804) – MOTION TO APPROVE APPLICATION NO. 1019804 – OK – 7/0

Request: Consider Upper Deck Sports Grill's application to renew wagering license (off track betting) at an existing sports bar and grill location.

Location: 4224 N. Craftsman Court

Staff Contact(s): Michelle Korf, Acting Downtown Group Executive Director, 480-312-2638, mkorf@scottsdaleaz.gov; Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov

25. Public Hearing on Scottsdale's Community Development Block Grant and HOME Investment Partnerships Program FY 2009/10 Annual Action Plan –

MOTION TO ADOPT RESOLUTION No. 7902 – OK – 7/0

MOTION TO ADOPT RESOLUTION No. 7933 – OK – 6/0 (RL CONFLICT OF INTEREST)

Requests:

1. Solicit public testimony regarding the FY 2009/10 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds in the amount of \$1,354,450; and the HOME allocated funds in the amount of \$521,250.
2. Adopt **Resolution No. 7902** to:
 - a. Authorize the submittal of Scottsdale's Annual Action Plan for FY 2009/10 and authorizing the City Manager to execute, on behalf of the City, a contract with the U. S. Department of Housing and Urban Development (HUD) for CDBG funding for FY 2009/10, contingent on approval of the City's proposed FY 2009/10 budget.
 - b. Approving the recommendations of the Human Services Commission for the allocation of FY 2009/10 CDBG and HOME funds.
 - c. Authorize the Mayor to execute contracts with agencies, on behalf of the City, to be funded with CDBG and HOME funds, subject to final negotiation of scopes of work and the execution of the HUD contract for FY 2009/10 funding.
 - d. Approve reprogramming of remaining resources under prior years' funding.
 - e. Approve the return of the City's Housing Rehabilitation Program income to the City's CDBG Line of Credit to be expended on eligible rehabilitation activities and authorize the Community Assistance Manager to execute all documents related to the Housing Rehabilitation Program.
3. Adopt **Resolution No. 7933** authorizing CDBG funding for FY 2009/10 Scottsdale Training and Rehabilitation Services (STARS) in the amount of \$32,000.

Related Policies, References: April 19, 2005, Council approve Resolution No. 6656 adopting the City's Five-Year Consolidated Plan for general use of CDBG and HOME funds for Fiscal Years 2005-2009

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov

REGULAR AGENDA

Tuesday, April 21, 2009
Page 10 of 11

26. **Update on the American Recovery and Reinvestment Act**

MOTION TO ACCEPT THE REQUEST TO USE ARRA FUNDS IN THE AMOUNT OF \$234,000 FOR THE PURCHASE OF A POLICE MOBILE SURVEILLANCE TOWER – FAILED – 2/5 (JL, LB, RL, RM, TN)

COUNCIL DIRECTION TO ACCEPT THE REQUEST TO USE ARRA FUNDS IN THE AMOUNT OF \$9,500 FOR THE PURCHASE OF AN AUTO CALLER/DIALER TELEPHONE MESSAGING SYSTEM – OK – 5/2 (SK, TN)

MOTION TO ACCEPT THE REQUEST TO USE ARRA FUNDS FOR THE BALANCE OF \$234,000 MINUS THE \$9,500 TO BE USED FOR THE COURT SANCTIONS AND ENFORCEMENT COORDINATION PROGRAM – FAILED – 3/4 (JL, SK, RL, TN)

MOTION TO ACCEPT THE REQUEST TO USE ARRA FUNDS IN THE OF \$100,000 TO BE USED FOR THE COURT SANCTIONS AND ENFORCEMENT COORDINATION PROGRAM – FAILED – 3/4 (JL, SK, RL, TN)

MOTION TO ADOPT RESOLUTION No. 7934 AND AMENDING THE AMOUNT TO \$9,500 – OK – 6/1 (TN)

COUNCIL DIRECTION TO PURSUE ARRA HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT FUNDS IN THE AMOUNT OF \$400,273 – OK – 7/0

COUNCIL DIRECTION TO ACCEPT ARRA TRANSPORTATION ENHANCEMENT GRANT FUNDS IN THE AMOUNT OF \$450,000 FOR THE CROSSCUT CANAL (THOMAS ROAD TO INDIAN SCHOOL ROAD) AND DOWNTOWN CANAL BANK IMPROVEMENT PROJECTS – OK – 7/0

COUNCIL DIRECTION TO APPLY FOR AN ARRA NATIONAL CLEAN DIESEL FUNDING ASSISTANCE GRANT IN THE AMOUNT OF \$823,272 – OK – 7/0

Presentation, discussion, and possible direction regarding the American Recovery and Reinvestment Act.

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

Mayor and Council Items begin on the following page

27. **Citizen Petition Seeking Legal Opinion of the Arizona Attorney General Regarding Roadway and Public Utility Easements as Deeded in Federal Land Patent Parcels (GLO parcels) within the City – NO ACTION TAKEN**

Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, requesting that the Council ask a willing member of the Arizona State Legislature to request 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 (GLO parcels) within the City. The petition was submitted by Mr. Leon Spiro at the March 24, 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, dobberson@scottsdaleaz.gov

28. **Citizen Petition Seeking a Legal Opinion from the City Attorney Regarding Abandonment of the City's Interest in Federal Land Patent Roadway and Public Utilities Easements (GLO) – 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 obtain a legal opinion from the City Attorney regarding the abandonment of the City's interest in Federal Land Patent roadway and public utilities easements (GLO). The petition was submitted by Mr. Leon Spiro at the March 24, 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, dobberson@scottsdaleaz.gov

***29. **Charter Review Task Force – MOTION TO ADOPT RESOLUTION NO. 7940 – OK – 7/0**

Request: At the request of Mayor Lane, adopt **Resolution No. 7940** establishing a Charter Review Task Force and the process for appointing members to the task force.

Staff Contact(s): Tim La Sota, Mayor's Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov

30. **City Council Subcommittee on Water Issues – MOTION TO CREATE A PERMANENT CITY COUNCIL SUBCOMMITTEE ON WATER ISSUES – OK – 7/0**

Request: At the request of Councilman Littlefield, discussion and possible action to create a City Council Subcommittee on Water Issues.

Public Comment – LEON SPIRO PRESENTED TWO CITIZEN PETITIONS. THE FIRST PETITION ASKS THAT CITY STAFF PROVIDE THE "OWNERS DELIVERED" AGREEMENT AND RELEASE FORMS REQUIRED OF OWNERS IN RESOLUTION NO. 7763. THE SECOND PETITION ASKS THE COUNCIL TO "REPEAL" AND/OR "NULLIFY" ABANDONMENT REQUEST NO. 22-AB-2005 THAT WAS APPROVED ON FEBRUARY 10, 2009.

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 – 9:00 PM