

SCOTTSDALE

# CITY COUNCIL MEETING



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

[ADDED CONSENT ITEM NO. 14A; AND MAYOR AND COUNCIL ITEM NOS. 18 AND 19]

### COUNCIL

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

Robert W. Littlefield  
Ron McCullagh  
Tony Nelssen

Tuesday, May 5, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:22 PM

Roll Call – ALL PRESENT

Pledge of Allegiance – BOY SCOUT PACK NO. 441, DEN 10

Invocation – PASTOR BOB CAIN, SCOTTSDALE BIBLE CHURCH

**City Manager's Report – THE CITY RECEIVED A LETTER FROM THE SCOTTSDALE CHARROS COMMENDING CITY EMPLOYEES JASON WALDRON AND JEFF CESARETTI FOR OUTSTANDING DEDICATION AND HARD WORK AT THE SCOTTSDALE STADIUM DURING THE SAN FRANCISCO GIANTS' SPRING TRAINING. A CITIZEN SENT A NOTE OF THANKS FOR THE INDIAN SCHOOL ROAD PROJECT IMPROVEMENTS AND WROTE THAT THE STREET LIGHTS AND LANDSCAPING ENHANCED THE GATEWAY INTO THE DOWNTOWN AREA. AETNA INSURANCE COMPANY NOMINATED THE CITY FOR THE WELLNESS COUNCIL OF ARIZONA AWARD FOR PROCESS AND LEADERSHIP IN WORK SITE HEALTH PROMOTION. THE CITY WILL BE PRESENTED WITH THE AWARD ON MAY 6, 2009.**

**Presentations/Information Updates**

**Approval of Minutes**

**- OK – 7/0**

REGULAR MEETINGS

JOINT MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

[April 7, 2009](#)

[April 7, 2009](#)

**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.**



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 1-14A

Tuesday, May 5, 2009

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**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.

- Calistro California Bistro Liquor License (21-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:** 18221 N. Pima 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)
- La Escondida Liquor License (22-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:** 3030 N. 68<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)
- Marcella's Liquor License (23-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:** 7014 E. Camelback Road, Suite 1423  
**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)
- El Gringo's Pinata Nueva Permanent Extension of Premises (30-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 El Gringo's Pinata Nueva.  
**Location:** 14885 N. Frank Lloyd Wright 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)

# CONSENT AGENDA

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5. **Eldorado Park Municipal Use Master Site Plan and Fire Station 1 Conditional Use Permit (22-UP-2008 and 2-UP-2009)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE MUNICIPAL MASTER SITE PLAN CRITERIA AND CONDITIONAL USE PERMIT CRITERIA

**Requests:**

1. Adopt **Resolution No. 7929** approving a Municipal Use Master Site Plan and finding that the municipal master site plan criteria have been met for Case No. 22-UP-2008.
2. Adopt **Resolution No. 7928** approving a Conditional Use Permit for a fire station municipal use and finding that the conditional use permit criteria have been met for Case No. 2-UP-2009.

**Location:** 1901 N. Miller Road

**Related Policies, References:**

- General Plan
- 13-UP-1989
- 14-UP-1997
- 67-ZN-1980

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

6. **Jest Enterprises, Inc., Heliport Conditional Use Permit (29-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA

**Request:** Adopt **Resolution No. 7930** approving a Conditional Use Permit for an off-airport heliport and finding that the conditional use permit criteria have been met.

**Location:** 15025 N. 74<sup>th</sup> Street, Unit 2

**Related Policies, References:**

- 10-UP-1984
- 1-UP-1985
- 1-DR-1985
- 7-BA-1985
- 13-BA-1985

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

7. **Dillon Precision Products Helicopter Conditional Use Permit (33-UP-2008)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA

**Request:** Adopt **Resolution No. 7932** approving a Conditional Use Permit for an off-airport heliport on an existing aircraft staging area, zoned Industrial Park (I-1) District, and finding that the conditional use permit criteria have been met.

**Location:** 8009 E. Dillons Way

**Related Policies, References:**

- 67-DR-1992#2
- 67-DR-1992

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

# CONSENT AGENDA

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8. **Fire Station 8 Municipal Use Master Site Plan (1-UP-2009)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE MUNICIPAL MASTER SITE PLAN CRITERIA  
**Request:** Adopt **Resolution No. 7926** approving a Municipal Use Master Site Plan for a new fire station on approximately two acres zoned Single-Family Residential District (R1-35) and finding that the municipal master site plan criteria have been met.  
**Location:** 9598 E. Cactus Road  
**Related Policies, References:** Cactus Corridor Area Study  
**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
9. **Costco Car Wash Conditional Use Permit (3-UP-2009)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA  
**Request:** Adopt **Resolution No. 7931** approving a Conditional Use Permit for a car wash and finding that the conditional use permit criteria have been met.  
**Location:** 15255 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); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
10. **Troon North Park Phase I Municipal Use Master Site Plan and Conditional Use Permit (3-MP-1999#2 and 10-UP-2009)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE MUNICIPAL MASTER SITE PLAN CRITERIA AND THE CONDITIONAL USE PERMIT CRITERIA  
**Requests:**  
  1. Adopt **Resolution No. 7927** approving a Municipal Use Master Site Plan and finding that the municipal master site plan criteria have been met for Case No. 3-MP-1999#2.
  2. Adopt **Resolution No. 7939** approving the Conditional Use Permit for a park and finding that the conditional use permit criteria have been met for Case No. 10-UP-2009.**Location:** 27775 N. Alma School Parkway  
**Related Policies, References:**
  - 32-ZN-1982
  - 81-ZN-1983
  - 28-ZN-1989
  - 9-UP-1990
  - 3-MP-1999
  - 111-DR-1995
  - 111-DR-1995#2**Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [drichtert@scottsdaleaz.gov](mailto:drichtert@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
11. **Capital Budget Transfer for Purchase of Enterprise Back-up Software** – APPROVED ON CONSENT  
**Request:** Adopt **Resolution No. 7922** authorizing a capital budget transfer of \$175,000 from CIP Project No. Y0908, Server Infrastructure, to CIP Project No. M0705, Enterprise Back-up Software.  
**Staff Contact(s):** Brad Hartig, Chief Information Officer, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov); Scott McCarty, Financial Services General Manager, 480-312-7582, [smccarty@scottsdaleaz.gov](mailto:smccarty@scottsdaleaz.gov)

# CONSENT AGENDA

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12. **Federal Emergency Management Agency Provisionally Accredited Levee Agreement – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7921** authorizing the Mayor to sign the Provisionally Accredited Levee (PAL) Designation and Letter Agreement No. 2009-041-COS with the Federal Emergency Management Agency.

**Related Policies, References:**

- On July 24, 1973, Council approved an Intergovernmental Agreement with the Flood Control District of Maricopa County governing maintenance of the Indian Bend Wash.
- Between 2002 and 2006, the Federal Emergency Management Agency (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.
- On March 24, 2009, Council approved Engineering Services Contract No. 2009-005-COS with Exponent, Inc., for levee certification services.

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

13. **Arizona Public Service Renewable Energy Gateway Access Area Agreements – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7913** to:

1. Authorize Agreement No. 2009-026-COS between the City and Arizona Public Service (APS) for interconnection of the City's photovoltaic (PV) system at the Gateway Access Area to the APS power distribution system.
2. Authorize Agreement No. 2009-027-COS with APS to convey to APS the title to, and interest in, any environmental credits associated with the electrical power produced from the City's PV system.

**Related Policies, References:**

- On July 5, 2005, Council approved Architectural Services Contract No. 2005-133-COS with Weddle/Gilmore Architects to prepare design and construction documents for the Gateway Access Area.
- On April 15, 2008, Council authorized CM@Risk Contract No. 2008-070-COS with Valley Rain Construction Corporation for pre-construction services for the Gateway Access Area.
- On June 3, 2008, Council authorized CM@Risk Contract No. 2008-078-COS with Valley Rain Construction Corporation to begin native plant salvage and ordering of structural steel. On July 8, 2008, Council modified the contract to authorize construction of the trailhead amenities.
- On September 8, 2008, Council adopted Resolution No. 7714 authorizing an estimated payment of \$100,000 to APS for direct costs to design and install new electrical service to planned amenities at the Gateway Access Area.

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

14. **Settlement of Hutchings v. City of Scottsdale – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7947** authorizing the Mayor to execute Contract No. 2009-039-COS to settle *Mark R. Hutchings, et al. v. City of Scottsdale, et al.*, Cause No. CV2007-0052380, for a total sum not to exceed \$75,000.00, and authorizing a \$75,000.00 contingency transfer from the Loss Trust Fund Reserve to the Risk Management Operating Budget (710-03740-52481).

**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [dobberson@scottsdaleaz.gov](mailto:dobberson@scottsdaleaz.gov)

# CONSENT AGENDA

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- \*\*\*14A.** [City Council Subcommittee on Water Issues Appointments](#) – **APPROVED ON CONSENT**  
**Request:** Affirm Mayor Lane’s City Council assignments for the Subcommittee on Water Issues.  
**Related Policies, References:** Per City Code, Section 2-23, “The City Council may appoint such committees of the Council as may be deemed reasonably necessary to the effective and efficient operation of the Council. Members of committees shall be appointed by the Mayor, with the approval of the City Council, and they shall serve at the pleasure of the Council.”  
**Staff Contact(s):** Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, [tlasota@scottsdaleaz.gov](mailto:tlasota@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.**

15. **[Pinnacle Peak Resort \(Capella\) Rezoning \(14-ZN-2008\)](#) – MOTION TO ADOPT ORDINANCE NO. 3844 APPROVING THE SITE PLAN WITH AMENDED STIPULATIONS; ADOPT RESOLUTION NO. 7949 APPROVING THE AMENDED DEVELOPMENT AGREEMENT; AND ADDING THE STIPULATION THAT THERE WOULD BE NO AMPLIFIED MUSIC FROM THE FACILITY THAT IS AUDIBLE AT THE DESERT HIGHLANDS PROPERTY LINE – OK – 7/0**

**Requests:**

1. Adopt **Ordinance No. 3844** approving the site plan with stipulations.
2. Adopt **Resolution No. 7949** authorizing the Mayor to execute Development Agreement No. 2009-040-COS.

**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)

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

**16. Citizen Petition to Direct Staff to Provide Documents Described in Resolution No. 7763**

**– 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 direct staff to provide documents described in Resolution No. 7763. The petition was submitted by Mr. Leon Spiro at the April 21, 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):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, [dichert@scottsdaleaz.gov](mailto:dichert@scottsdaleaz.gov); Connie Padian, Planning and Development Services Administrator, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**17. 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 April 21, 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](mailto:dobberson@scottsdaleaz.gov)

**\*\*\*18. McDowell Corridor/South Scottsdale Economic Development Task Force – MOTION TO ADOPT AMENDED RESOLUTION NO 7959, DELETING ITEM 2 IN SECTION 2 – OK – 7/0**

**Request:** At the request of Mayor Lane, adopt **Resolution No. 7959** establishing a McDowell Corridor/South Scottsdale Economic Development 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](mailto:tlasota@scottsdaleaz.gov)

**\*\*\*19. Discovery Triangle Corporation Participation –**

**MOTION NOT TO PARTICIPATE IN THE DISCOVERY TRIANGLE CORPORATION AT THIS TIME – FAILED – 3/4 (RM, LB, WE, TN)**

**MOTION TO DIRECT THE CITY MANAGER TO CONTINUE TO PARTICIPATE IN THE DISCOVERY TRIANGLE CORPORATION BOARD OF DIRECTORS; TO REPORT BACK TO THE COUNCIL ON AN ONGOING BASIS; AND, TO THE EXTENT THAT HE IS ASKED TO MAKE A FINANCIAL COMMITMENT OR TAKE OTHER ACTION, THAT HE SEEK COUNCIL DIRECTION – FAILED – 3/4 (JL, SK, RL, TN)**

**Request:** At the request of Mayor Lane, discussion and possible action regarding participation and membership in the Discovery Triangle Corporation.

**Staff Contact(s):** Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, [tlasota@scottsdaleaz.gov](mailto:tlasota@scottsdaleaz.gov)

**Public Comment – LEON SPIRO PRESENTED A CITIZEN PETITION REGARDING THE ABANDONMENT OF THE CITY'S INTERESTS IN FEDERAL LAND PATENT ROADWAY AND PUBLIC UTILITY EASEMENTS.**

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 – COUNCILMAN NELSEN ASKED FOR AN UPDATE ON THE STATUS OF LIGHT RAIL IN THE CITY.**

**Adjournment – 9:25 PM**