

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

[REMOVED MAYOR & COUNCIL AGENDA ITEM No. 17 AND REWORDED ITEM No. 18]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, May 19, 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 – **COUNCILWOMAN KLAPP**

Invocation - **PASTOR ED FRIEND, SCOTTSDALE FIRST ASSEMBLY**

City Manager's Report - **MR. LITTLE ANNOUNCED THAT THE OLD TOWN FARMERS MARKET IS MOVING TO THE UNDERGROUND PARKING GARAGE AT BROWN AND 1ST STREET, AND WILL BE STARTING AT AN EARLIER TIME FOR JUNE AND JULY. THE CITY'S ANNUAL BEAT THE HEAT PROGRAM, WHICH PROVIDES OVER 200 SENIORS WITH SUMMER CARE PACKAGES, IS UNDERWAY. STAFF WILL DELIVER THE PACKAGES IN JUNE AND ASSESS ANY ADDITIONAL NEEDS. THOSE INTERESTED IN ASSISTING WITH THE PROGRAM SHOULD CONTACT THE VIA LINDA SENIOR CENTER. A SCOTTSDALE CITIZEN WROTE TO THANK MEMBERS OF THE BRUSH CREW FOR THEIR HARD WORK. HE NOTED THAT THE CREW REMOVED ALL THE DEBRIS, AND THEN STAYED TO RAKE AND TIDY HIS YARD.**

Presentations/Information Updates - **MAYOR LANE EXPLAINED THAT THE CITY'S FLAGS WERE FLYING AT HALF MAST DUE TO THE DEATH OF SCOTTSDALE RESIDENT MAJOR STEVE HUTCHINSON, WHO WAS KILLED IN IRAQ ON MAY 10TH. THE MAYOR ALSO RECOGNIZED RETIRING ASSISTANT TO THE MAYOR, ROSE ZAPLATOSCH, WHO SERVED FOUR SCOTTSDALE MAYORS DURING HER CAREER WITH THE CITY.**

Approval of Minutes

- OK – 7/0

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

REGULAR MEETINGS

SPECIAL MEETINGS

[April 21, 2009](#)

[April 28, 2009](#)

[April 28, 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 SUBMITTED THREE CITIZEN PETITIONS TO THE COUNCIL:

1) TO REPEAL OR NULLIFY CASE 22-AB-2005 (RESOLUTION No. 7763), A FEDERAL LAND PATENT ROADWAYS AND PUBLIC UTILITIES EASEMENT RESOLUTION, WHICH PASSED 2/10/2009; 2) TO DIRECT THE CITY MANAGER TO RECORD MR. SPIRO'S OPPOSITION DOCUMENT WITH THE MARICOPA COUNTY RECORDER'S OFFICE; AND 3) TO CREATE AN OMBUDSMAN PROGRAM.

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.**

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. [Julio's Too Liquor License \(24-LL-2009\)](#) – 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 patio and a new owner.

Location: 7305 E. Camelback Road

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

2. [Eddie Chan's Asian Bistro Liquor License \(25-LL-2009\)](#) – 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: 20581 N. Hayden Road, Suite 115

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

3. [Chart House Liquor License \(27-LL-2009\)](#) – 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: 7255 McCormick Parkway

Staff Contact(s): David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov; Connie Padian, Planning and Development Services Administrator, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 19, 2009
Page 3 of 9

4. **Cowboy Ciao Liquor License (28-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 12 (restaurant) liquor license.
Location: 7133 E. Stetson Drive
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. **Stingray Sushi Bar Restaurant Liquor License (30-LL-2009)** – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing series 12 (restaurant) liquor license.
Location: 4302 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

6. **Retirement Health Savings Plan** – APPROVED ON CONSENT
Requests:
 1. Adopt **Resolution No. 7936** authorizing the documents necessary to establish and implement a Retirement Health Savings (RHS) Plan, including a Plan Adoption Agreement, Retiree Welfare Benefits Plan, Declaration of Trust, and Administrative Services Agreement No. 2009-036-COS with ICMA Retirement Corporation for administration of the plan.
 2. Adopt **Ordinance No. 3846** amending Section 14-83 of the Scottsdale Revised Code, relating to medical leave, to replace the present medical leave conversion (MLC) program with the RHS plan, retaining the same qualification requirements as the MLC program, and stating time-eligibility requirements for retiring employees to participate in the City-sponsored medical plan.**Related Policies, References:**
 - Scottsdale Revised Code, Section 14-83, relating to medical leave
 - On February 24, 2009, Council adopted Resolution No. 7874 directing the City Manager to have appropriate staff take actions necessary to implement a retirement health savings plan for retiring employees, including the preparation of necessary revisions to the Code for consideration of the Council**Staff Contact(s):** La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov

7. **Settlement of City of Scottsdale v. Femcon, Inc.** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7960** authorizing the Mayor to execute Agreement No. 2009-043-COS for the recovery of \$70,000 in the settlement of the lawsuit entitled *City of Scottsdale v. Femcon, Inc.*, Cause No. CV2008-003581, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 19, 2009

Page 4 of 9

8. **Security Fencing at Water Sites Construction Bid Award** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7937** authorizing Construction Bid Award No. 09PB040 with Associated Fence in the amount of \$109,000 to construct security fencing at Water Sites 36-1 and 36-4.
Related Policies, References:
 - Public Law Security and Bioterrorism Preparedness Act of 2002
 - Water Resources Department Vulnerability Assessment of 2003**Staff Contact(s):** Marshall Brown, Water Resources General Manager, 480-312-5681, mbrown@scottsdaleaz.gov

9. **Aztec Park Wireless Facility Amended Lease Agreement** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7731** authorizing Amended Lease Agreement No. 1998-150-COS-A2 with Verizon Wireless LLC, a Delaware Limited Liability Company dba Verizon Wireless, regarding the operation of a wireless telecommunication facility at Aztec Park.
Related Policies, References:
 - On February 1, 1999, Council authorized Lease Agreement No. 980150 with Verizon Wireless
 - On August 25, 2003, Council adopted Resolution No. 6250 authorizing upgrades to Verizon's wireless facility at Aztec Park to re-orient wireless antennas for improved reception and transmission**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

10. **Hayden Road 16-Inch Waterline Construction Bid Award** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7946** authorizing Construction Bid Award No. 09PB059 with Citywide Contracting LLC, the lowest responsive bidder, at their bid amount of \$390,142 for the construction of a 16-inch waterline on Hayden Road from Gelding Drive to 83rd Place.
Related Policies, References: On May 6, 2008, Council approved Engineering Services Contract Modification No. 2007-039-COS-A1 with Valentine Engineers for the on-call design of water distribution system improvements
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

11. **Appaloosa Library Photovoltaic System Agreement** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7915** authorizing Agreement No. 2009-029-COS between the City and Arizona Public Service (APS) to convey to APS the title to, and interest in, any environmental credits associated with the electrical power produced from the City's photovoltaic system installed at the Appaloosa Library.
Related Policies, References:
 - On November 20, 2007, Council authorized Contract Modification No. 2007-179-COS-A1 with DWL Architects & Planners for architectural services for Appaloosa Library
 - On July 1, 2008, Council authorized CM@Risk Construction Phase Services Contract No. 2008-072-COS with Haydon Building Corporation for the construction of Appaloosa Library**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

12. **Intelligent Transportation System Fiber Optic Cable Loop Construction Bid Award –**

APPROVED ON CONSENT

Request: Adopt **Resolution No. 7829** authorizing Construction Bid Award No. 09PB022 with ITS Engineers and Constructors Inc., the lowest responsive bidder, at their lump sum bid of \$651,994.73 for the construction of a fiber optic cable loop along various thoroughfares through the northern area of the City.

Related Policies, References: On September 18, 2007, Council approved Engineering Services Contract No. 2007-156-COS with Lee Engineering, Inc., for design of various intelligent transportation system components

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@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. **Financial Planning and Management Comprehensive Financial Policies** – MOTION TO ADOPT RESOLUTION No. 7963, RELATING TO COMPREHENSIVE FINANCIAL POLICIES AS THE FORMAL GUIDELINES FOR THE CITY OF SCOTTSDALE’S FINANCIAL PLANNING AND MANAGEMENT – OK – 7/0
Request: Adopt Resolution No. 7963 relating to comprehensive Financial Policies as the formal guidelines for the City of Scottsdale’s financial planning and management.
Staff Contact(s): Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov
14. **Public Hearing and Adoption of Rates and Fees** – MOTION TO ADOPT ORDINANCE No. 3849 AND RESOLUTION No. 7945, AMENDING SCOTTSDALE REVISED CODE CHAPTERS 24 AND 49 FOR WATER, SEWER, AND SOLID WASTE FEES, PER OPTION A – FAILED – 2/5 (LB, SK, JL, RL, TN)
- MOTION TO ADOPT ORDINANCE No. 3849 AND RESOLUTION No. 7945, AMENDING SCOTTSDALE REVISED CODE CHAPTERS 24 AND 49 FOR WATER, SEWER, AND SOLID WASTE FEES, PER OPTION B – OK – 6/1 (TN)
- MOTION TO ADOPT ORDINANCE No. 3855, APPROVING AND ADOPTING INCREASING THE COURT ENHANCEMENT FEE TO \$15.00 EFFECTIVE JULY 1, 2009, AND INCREASING THE COURT DEFAULT FEE TO \$40.00 EFFECTIVE JULY 1, 2009
- AMENDED MOTION TO ADOPT ORDINANCE No. 3855, APPROVING AND ADOPTING INCREASING THE COURT ENHANCEMENT FEE TO \$15 EFFECTIVE JULY 1, 2009, AND INCREASING THE COURT DEFAULT FEE TO \$50 EFFECTIVE JULY 1, 2009 – FAILED - 2/5 (WE, JL, RL, RM, TN)
- MOTION TO ADOPT ORDINANCE No. 3855, APPROVING AND ADOPTING INCREASING THE COURT ENHANCEMENT FEE TO \$15.00 EFFECTIVE JULY 1, 2009, AND INCREASING THE COURT DEFAULT FEE TO \$40.00 EFFECTIVE JULY 1, 2009 - OK – 6/1 (JL)
- MOTION TO ADOPT RESOLUTION No. 7957 APPROVING AND ADOPTING THE COMMUNITY SERVICE DEPARTMENT GUIDELINES FOR PROGRAMMING FEES, AND FACILITY AND RESERVATION AND USE COSTS, EFFECTIVE JULY 1, 2009 – OK – 7/0
- MOTION TO ADOPT RESOLUTION No. 7956 APPROVING AND ADOPTING THE SCOTTSDALE FIRE DEPARTMENT FEES AND CHARGES SCHEDULE, EFFECTIVE JULY 1, 2009 – OK – 7/0
- MOTION TO ADOPT RESOLUTION No. 7955 APPROVING AND ADOPTING THE WESTWORLD RATE AND FEE SCHEDULE, EFFECTIVE JULY 1, 2009 – OK – 7/0
- MOTION TO ADOPT RESOLUTION No. 7954 APPROVING AND ADOPTING THE ESTABLISHMENT OF FEES FOR PERMITS FOR THE USE OF PORTIONS OF THE SCOTTSDALE MALL, AS SET FORTH IN THE SCOTTSDALE MALL FEES, RULES AND REGULATIONS, EFFECTIVE JULY 1, 2009 – OK – 7/0
- MOTION TO ADOPT RESOLUTION No. 7952 APPROVING AND ADOPTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT’S FEE SCHEDULES, BY INDEXING RATES AND FEES BY 1.5 PERCENT, EFFECTIVE JULY 1, 2009; AND INCREASING THE SPECIAL EVENTS FEE TO \$100, EFFECTIVE JULY 1, 2009 – OK – 7/0

Requests:

1. Accept citizen comments at a public hearing regarding proposed rates and fees.
2. Adopt **Resolution No. 7945** declaring the documents entitled “Amendments to Solid Waste Management Rates and Fees – Chapter 24, Scottsdale Revised Code” and “Amendments to Water and Sewer Rates and Fees – Chapter 49, Scottsdale Revised Code” to be public records.
3. Adopt **Ordinance No. 3849** amending Scottsdale Revised Code Chapters 24 and 49 for *Water, Sewer, and Solid Waste Fees*, by increasing water user fee revenues 2.5 percent, effective November 1, 2009; increasing sewer user fee revenues 3.0 percent, effective July 1, 2009; and increasing solid waste user fee revenues 2.0 percent, effective July 1, 2009; and adjusting miscellaneous water, wastewater, and solid waste service fees, and making minor miscellaneous administrative and housekeeping changes, effective July 1, 2009.
4. Adopt **Ordinance No. 3855** approving and adopting increasing the Court Enhancement Fee to \$12.50 effective July 1, 2009; and increasing the Court Default fee to \$35, effective July 1, 2009.
5. Adopt **Resolution No. 7957** approving and adopting the *Community Services Department Guidelines for Programming Fees, and Facility and Reservation and Use Costs*, effective July 1, 2009.
6. Adopt **Resolution No. 7956** approving and adopting the *Scottsdale Fire Department Fees and Charges Schedule*, effective July 1, 2009.
7. Adopt **Resolution No. 7955** approving and adopting the *WestWorld Rate and Fee Schedule*, effective July 1, 2009.
8. Adopt **Resolution No. 7954** approving and adopting the establishment of fees for permits for the use of portions of the Scottsdale Mall, as set forth in the *Scottsdale Mall Fees, Rules, and Regulations*, effective July 1, 2009.
9. Adopt **Resolution No. 7952** approving and adopting the *Planning and Development Services Department’s Fee Schedules*, by indexing rates and fees by 1.5 percent, effective July 1, 2009; and increasing the Special Events fee to \$100, effective July 1, 2009.

Related Policies, References:

- Resolution No. 7231: A Resolution of the City of Scottsdale, Arizona, Establishing Financial Policies, Section 1. Operating Management Policy Number 8: “Enterprise (Water, Sewer, Solid Waste Management, and Airport) user fees and charges will be examined annually to ensure that they recover all direct and indirect costs of service and be approved by the City Council.” “Rate adjustments for enterprise operations will be based on five-year financial plans.”
- Resolution No. 7231: A Resolution of the City of Scottsdale Arizona, Establishing Financial Policies, Section 1. Operating Management Policy Number 9: “All non-enterprise user fees and charges will be examined annually to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council.”
- Water and Sewer Rates and Fees, Scottsdale Revised Code, Chapter 49
- Solid Waste Rates and Fees, Scottsdale Revised Code, Chapter 24
- City Court Fines and Fees, Scottsdale Revised Code, Sections 9-7.2(b) and 9-7.3; and A.R.S. 22-404(E)
- Community Services Department Rates and Fees Charges, Scottsdale Revised Code, Sections 20-51 and 20-52; Resolution No. 6665 adopted May 16, 2005
- Fire Department Fees and Charges, Scottsdale Revised Code, Chapter 36
- Cost Sharing and Recreational Land Use Agreement For Use of the WestWorld Property Between the United States Bureau of Reclamation and the City of Scottsdale

(Item No. 14 continued on following page)

(Item No. 14 continued from previous page)

- Scottsdale Mall, Management Services Agreement No. 2008-048-COS with Scottsdale Cultural Council; Resolution No. 4163, adopted February 6, 1995; Scottsdale Revised Code Sections 20-106 to 20-120, as amended, relating to the Scottsdale Mall
 - Building and Development Fee Schedule, Scottsdale Revised Code, Chapter 46
- Staff Contact(s):** Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov; Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov; Dan Worth, Municipal Services General Manager, 480-312-5555, dworth@scottsdaleaz.gov; Janet Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; William McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov; Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov; David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov

15. Public Hearing on the Proposed FY 2009/10 Operating Budget and Capital

Improvement Plan – MOTION TO ADOPT ORDINANCE No. 3856 WITH THE FOLLOWING AMENDMENT LANGUAGE, ADDING: “SECTION 10. NOT WITHSTANDING ANY OTHER PROVISIONS OF THIS ORDINANCE, ANY FUNDS TRANSFERRED TO THE GENERAL FUND OR OPERATING BUDGET FROM THE CAPITAL IMPROVEMENT PLAN (CIP) FUND SHALL BE REPAID TO THE CAPITAL IMPROVEMENT PLAN (CIP) FUND BY JUNE 30, 2010, AND THE CITY MANAGER SHALL PROVIDE MONTHLY UPDATES ON THE REPAYMENT OF THESE FUNDS TO THE BUDGET REVIEW COMMISSION WITH COPIES OF THE DOCUMENTS USED TO UPDATE THE COMMISSION ALSO DELIVERED TO THE CITY COUNCIL.”

AMENDED MOTION TO NOT CLOSE PALOMINO LIBRARY AND, RATHER THAN SPECIFYING THAT THE NECESSARY CUTS BE SPREAD OVER THE ENTIRE LIBRARY SYSTEM, AUTHORIZE THE CITY MANAGER TO SPREAD THE ADDITIONAL EXPENSE OVER THE ENTIRE LIBRARY SYSTEM, TO FIND THE MONEY ELSEWHERE, OR TO RAISE FEES – OK – 4/3 (WE, SK, RM)

MOTION TO ADOPT ORDINANCE No. 3856 WITH THE FOLLOWING AMENDMENT LANGUAGE, ADDING: “SECTION 10. NOT WITHSTANDING ANY OTHER PROVISIONS OF THIS ORDINANCE, ANY FUNDS TRANSFERRED TO THE GENERAL FUND OR OPERATING BUDGET FROM THE CAPITAL IMPROVEMENT PLAN (CIP) FUND SHALL BE REPAID TO THE CAPITAL IMPROVEMENT PLAN (CIP) FUND BY JUNE 30, 2010, AND THE CITY MANAGER SHALL PROVIDE MONTHLY UPDATES ON THE REPAYMENT OF THESE FUNDS TO THE BUDGET REVIEW COMMISSION WITH COPIES OF THE DOCUMENTS USED TO UPDATE THE COMMISSION ALSO DELIVERED TO THE CITY COUNCIL.” – OK – 4/3 (WE, SK, RM)

ON COUNCILMAN NELSSSEN’S SUGGESTION, STAFF WILL BRING TO COUNCIL A CIP CONTINGENCY TRANSFER FOR THE CURRENT FISCAL YEAR’S BUDGET TO COVER THE FUNDS NEEDED TO COMPLETE PORTIONS OF THE SCOTTSDALE CENTER FOR THE ARTS, RATHER THAN MAKE AN ADJUSTMENT IN THE FY 2009/10 BUDGET.

Requests:

1. Solicit public input relative to the Proposed FY 2009/10 Operating Budget and Capital Improvement Plan. The City Council receives public input relative to the Proposed FY 2009/10 Operating Budget and Capital Improvement Plan, and adopts the Tentative Budget Estimates in accordance with Arizona Revised Statutes and City Charter.
2. Adopt **Ordinance No. 3856** setting the City’s maximum legal spending limit for FY 2009/10. The maximum expenditure limit established with the Tentative Budget may be reduced by the City Council before the Final Budget Adoption takes place. Under Arizona State law, once the Tentative Budget estimate is adopted, the City Council may not increase the maximum expenditure limit.

Staff Contact(s): Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov; Art Rullo, Budget Director, 480-312-2435, arullo@scottsdaleaz.gov

REGULAR AGENDA

Tuesday, May 19, 2009
Page 9 of 9

16. [American Recovery and Reinvestment Act Update](#) – MOTION TO APPROVE USING THE FUNDS ALLOCATED TO THE CITY THROUGH THE ARRA ENERGY EFFICIENCY & CONSERVATION BLOCK GRANTS (EECBG), IN THE AMOUNT OF \$2,431,500, ON THE FOUR PROJECTS PRESENTED BY STAFF – OK – 6/1 (TN)

MOTION TO APPROVE USING THE FUNDS ALLOCATED TO THE CITY THROUGH THE ARRA COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG), IN THE AMOUNT OF \$312,961, TO CONSTRUCT ADA IMPROVEMENTS FOR THE EL DORADO BALLPARK – OK – 7/0

MOTION TO DIRECT STAFF TO SUBMIT A JOINT APPLICATION WITH THE VALLEY OF THE SUN CLEAN CITIES COALITION FOR ARRA FUNDING, WITH SCOTTSDALE'S SHARE BEING \$956,844, TO PURCHASE UP TO NINE ALTERNATIVE FUEL SOLID WASTE VEHICLES FOR THE CITY'S FLEET – OK – 6/1 (TN)

VICE MAYOR McCULLAGH ASKED TO HAVE A LIST OF ALL AVAILABLE ARRA FUNDING INCLUDED IN SUBSEQUENT REPORTS.

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 17-18

- ***17. Southern Scottsdale Revitalization Initiative
Removed

- ***18. [CityNorth Amicus Curiae Brief](#) – MOTION TO ADOPT RESOLUTION No. 7972 DIRECTING THE CITY ATTORNEY TO SUBMIT AN AMICUS CURIAE BRIEF SUPPORTING THE COURT OF APPEALS' DECISION IN THE CASE OF MEYER TURKEN, ET AL. V. PHIL GORDON AND NPP CITYNORTH, SHOULD THE SUPREME COURT DECIDE TO REVIEW THE CASE – OK – 4/3 (WE, SK, RM)

Request: At the request of Mayor Lane, adopt **Resolution No. 7972** directing the City Attorney to submit an *amicus curiae* brief in the case of *Meyer Turken, et al. v. Phil Gordon and NPP CityNorth* (the "CityNorth" case) supporting the Court of Appeals' decision if the Arizona Supreme Court decides to review the case.

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

Public Comment – NONE

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Mayor and Council Items – NONE

Adjournment – 11:16 PM