

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

[RENUMBERED CONSENT AGENDA ITEM No. 11 TO REGULAR AGENDA ITEM No. 26A; ADDED CONSENT AGENDA ITEMS No. 24A AND 24B; REWORDED REGULAR ITEM No. 25 INTO ITEMS No. 25A AND No. 25B]

COUNCIL

W.J. "Jim" Lane, Mayor

Lisa M. Borowsky

Wayne Ecton

Suzanne Klapp

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, June 16, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:06 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILMAN ECTON**

Invocation – **REVEREND PAULA WEBB, NATIONAL INTERFAITH COUNCIL**

City Manager's Report – **NONE**

Presentations/Information Updates

Approval of Minutes – **OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

May 19, 2009

Public Comment – **MICHAEL FERNANDEZ EXPRESSED DISPLEASURE WITH THE ADOPTION OF THE DOWNTOWN PLAN AT THE JUNE 9, 2009 MEETING. R. LAMAR WHITMER PRESENTED A PETITION ASKING THE COUNCIL TO REQUIRE CITY MANAGER JOHN LITTLE TO COMPEL THE PRODUCTION OF WRITTEN REPORTS FROM FORMER CITY MANAGER JAN DOLAN.**

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 1-24B

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. [UT Liquor License \(31-LL-2009\)](#) – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine) liquor license for an existing location with a new owner.
Location: 304 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. [Petite Maison Liquor License \(32-LL-2009\)](#) – 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: 7216 E. Shoeman Lane
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. [Camarones Liquor License \(33-LL-2009\)](#) – 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: 8787 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

4. [American Legion Permanent Extension of Premises \(42-EX-2009\)](#) – 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 American Legion.
Location: 7145 E. 2nd 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

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5. **Pinnacle Peak Internalized Community Storage Conditional Use Permit (25-UP-2008) – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA**
Request: Adopt **Resolution No. 7814** approving the internalized community storage facility Conditional Use Permit and finding that the conditional use permit criteria have been met.
Location: 10798 E. Jomax Road
Related Policies, References:
 - 29-DR-2005
 - 29-DR-2005#2
 - 29-DR-2005#3
 - 105-ZN-2005#2
 - 105-ZN-1984**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

6. **Desert Mountain Phase II Unit 19 Replat (79-PP-1994#2) – APPROVED ON CONSENT**
Request: Approve a replat of a portion of the final plat of Desert Mountain Phase II, Unit 19, The Village of Desert Horizons.
Location: Desert Mountain, Phase II, Unit 19, Lot 3, 10832 E. Graythorn 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

7. **Desert Mountain Phase III Unit 43 (Saguaro Forest at Desert Mountain) Replat Part 14 (20-PP-2005#2) – APPROVED ON CONSENT**
Request: Approve a replat for a portion of Desert Mountain Phase III, Unit 43, Cintarosa Ranch.
Location: 9487 and 9505 E. High Canyon 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

8. **FY 2009/10 Destination Marketing Services Agreement with the Scottsdale Convention and Visitors Bureau – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7925** authorizing Contract No. 2009-033-COS, the “Marketing Services Agreement between the City and the Scottsdale Convention and Visitors Bureau, Inc.,” in the amount of \$5,445,040 for provision of marketing services in FY 2009/10.
Related Policies, References: City of Scottsdale Ordinance Nos. 2045 and 3576 (amended) and 2049, 2702, and 3577 (amended) provide for funding of a destination marketing program on behalf of the City and the Scottsdale tourism industry from the City’s bed tax revenue.
Staff Contact(s): Harold Stewart, Acting Economic Vitality General Manager, 480-312-2311, hstewart@scottsdaleaz.gov; Kathy Carlisle O’Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

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9. [Annual Greater Phoenix Economic Council Economic Development Marketing Contract](#) – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7975** authorizing Contract No. 2009-050-COS with the Greater Phoenix Economic Council, and authorizing General Funds in the amount of \$87,717 for provision of regional economic development marketing services.
Related Policies, References: Economic Vitality Strategic Plan
Staff Contact(s): Harold Stewart, Acting Economic Vitality General Manager, 480-312-2311, hstewart@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov
10. [Scottsdale Cultural Council Annual Financial Participation Agreement](#) – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7977** authorizing Agreement No. 2009-066-COS, an annual financial participation agreement between the City and the Scottsdale Cultural Council for FY 2009/10 in the amount of \$4,214,209.
Related Policies, References:
 - Management Services Agreement No. 2008-048-COS
 - Ordinance No. 3781, Art in Public Places**Staff Contact(s):** Michelle Korf, Acting Executive Director of the Downtown Group, 480-312-2638, mkorf@scottsdaleaz.gov
- ***11. **Extension of Federal Lobbying and Information Services Contract with Carolyn C. Chaney and Associates**
Item No. 11 has been moved to the Regular Agenda – Item No. 26A.
12. [World Affairs Council Contract for International Visitors and Protocol Services](#) – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7969** authorizing Contract No. 2009-048-COS, for \$31,178 in FY 2009/10 and for \$31,178 in FY 2010/11, with the World Affairs Council of Arizona, Inc., to assist international visitors, provide protocol services, and provide office space for the Scottsdale Sister Cities Committee.
Related Policies, References: Contract No. 2007-094-COS was approved by the Council on June 19, 2007.
Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov
13. [Resolutions for Submittal to the League of Arizona Cities and Towns](#) – APPROVED ON CONSENT
Request: Consider the approval of resolutions to be submitted to the League of Arizona Cities and Towns Resolutions Committee.
Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov

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- 14. General Fund Allocation for Public Human Services – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7904** approving the recommendations of the Human Services Commission for allocation of FY 2009/10 funding for Human Services General Fund projects in the amount of \$200,000 included in the City's FY 2009/10 budget; authorizing the Mayor to execute contracts for services to be funded through this 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:

 - Resolution No. 7521, adopted on April 15, 2008, approved allocation of Human Services General Fund projects for FY 2008/09
 - Scottsdale Revised Code Section 2-180, Purpose; Director Power 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
- 15. Intergovernmental Agreement with Scottsdale Unified School District No. 48 for Drug, Alcohol and Violence Prevention Services – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7875** authorizing Intergovernmental Agreement No. 2009-012-COS with Scottsdale Unified Schools, which will provide funding in the amount of \$238,000 for drug, alcohol, and violence prevention and education services in Scottsdale schools for FY 2009/10.
Related Policies, References: On June 17, 2008, Council adopted Resolution No. 7532, which authorized Intergovernmental Agreement No. 2008-047-COS to assist in funding alcohol, drug, and violence prevention services in Scottsdale Unified School District schools.
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov
- 16. Addendum to Scottsdale Housing Annual Agency Plan for FY 2009/10 – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7964** authorizing the amendment of the Annual Agency Plan for FY 2009/10 for the Section 8 Rental Housing Assistance Program (Housing Choice Voucher) with funding from the United States Department of Housing and Urban Development (HUD), approved by the Council on April 7, 2009, by adding an addendum relating to Violence Against Women Act (VAWA) information; and authorizing submittal of the amended Plan to HUD.
Related Policies, References: On April 7, 2009, Council adopted Resolution No. 7888, approving the FY 2009/10 Annual Agency Plan and authorizing submittal of the Plan to HUD.
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov
- 17. Amend Scottsdale Revised Code Relating to Teletrack Dog Racing – APPROVED ON CONSENT**
Request: Adopt **Ordinance No. 3860** amending Chapter 16, Article XVI, Scottsdale Revised Code, to add dog racing as a category to be regulated under the pari-mutuel wagering on telecast racing (teletracking) events licensing ordinance, and make enhancements to the overall ordinance.
Related Policies, References: Chapter 16, Article XVI of the Scottsdale Revised Code
Staff Contact(s): Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov; Debora Johnson, Customer Services Director, 480-312-2463, djohnson@scottsdaleaz.gov

18. **Engineering Services Contract Modifications for On-Call Design of Water and Sewer Projects** – APPROVED ON CONSENT, WITH MODIFICATIONS

Request: Adopt **Resolution No. 7958** authorizing Engineering Services Contract Modification No. 2007-038-COS-A2 with David Evans & Associates, Inc., and Engineering Services Contract Modification No. 2007-039-COS-A2 with Valentine Environmental Engineering LLC, each for amounts not to exceed \$500,000 annually for on-call design of water and sewer projects.

Related Policies, References:

- On March 4, 2008, the Council approved the Integrated Water and Wastewater Master plans.
- On April 10, 2007, the Council approved Engineering Services Contract No. 2007-038-COS with David Evans & Associates, Inc., and Engineering Services Contract No. 2007-039-COS with Valentine Environmental Engineering LLC for on-call water and sewer designs.

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

19. **Engineering Services Contract Modifications for On-Call Design of Storm Water Systems Improvements** – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7982** approving contract modifications to the following on-call service contracts for the design of storm water management system improvements:

1. Engineering Services Contract Modification No. 2007-018-COS-A2 with Primatch, LLC, for an amount not to exceed \$50,000.
2. Engineering Services Contract Modification No. 2007-019-COS-A2 with CARDNO WRG, Inc., for an amount not to exceed \$50,000.
3. Engineering Services Contract No. 2007-020-COS-A2 with AMEC Infrastructure for an amount not to exceed \$50,000.
4. Engineering Services Contract Modification No. 2007-021-COS-A2 with Gavan and Barker for an amount not to exceed \$50,000.

Related Policies, References: On February 20, 2007, Council approved Engineering Service Contracts No. 2007-018-COS with Primatch, LLC; No. 2007-019-COS with CARDNO WRG, Inc.; No. 2007-020-COS with AMEC Infrastructure; and No. 2007-021-COS with Gavan and Barker, Inc., for on-call design of storm water systems improvements.

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

20. **Engineering Services Contract Modifications for On-Call Design of Streets, Intersections, Pathways, and Trails** - REMOVED

Request: Adopt **Resolution No. 7987** approving contract modifications to the following on-call service contracts for the design of transportation improvement projects throughout the City:

1. Engineering Services Contract Modification No. 2007-160-COS-A1 with Entellus, Inc., for an amount not to exceed \$500,000.
2. Engineering Services Contract Modification No. 2007-161-COS-A1 with Gavan and Barker, Inc., for an amount not to exceed \$500,000.
3. Engineering Services Contract Modification No. 2007-162-COS-A1 with Stanley Consultants for an amount not to exceed \$500,000.

Related Policies, References: On October 2, 2007, Council approved Engineering Services Contracts No. 2007-160-COS with Entellus, Inc., No. 2007-161-COS with Gavan and Barker, Inc., and No. 2007-162-COS with Stanley Consultants for on-call engineering services.

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

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21. **Engineering Services Contract Modification for On-Call Design of Intelligent Transportation System Projects - REMOVED**
Request: Adopt **Resolution No. 7986** authorizing Engineering Services Contract Modification No. 2007-156-COS-A1 with Lee Engineering, Inc., for an amount not to exceed \$500,000 annually for design of on-call Intelligent Transportation Systems (ITS) improvements.
Related Policies, References: On September 18, 2007, Council approved Engineering Services Contract No. 2007-156-COS with Lee Engineering, Inc., for on-call ITS design.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
22. **Building Lease for the City's Downtown Group Offices – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7909** authoring Lease Amendment No. 2004-097-COS-A1 with SR Ventures, LLC, to continue the lease of office space at 4248 North Craftsman Court for the City's Downtown Group offices.
Related Policies, References:
 - Article I, Section 3A of the City Charter provides the City authority to acquire property for any City purpose, in fee or lesser interest such as a lease
 - On July 7, 2007, Council approved Lease Agreement No. 2004-097-COS with Scott McWhorter and Michael Green for the offices currently housing the City's Downtown Group staff**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
23. **Design-Build Contract for Detention Facility Consolidation and Court Entry Security Remodel Projects – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7974** authorizing Design Build Construction Phase Services Contract No. 2009-049-COS with Regency Development, Inc., in the amount of \$1,078,065 for construction services related to the detention facility consolidation and the court entry security remodel projects, along with portions of the radio system renovations that are impacted by the detention area renovations.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
24. **Budget Transfer for the Scottsdale Center for the Performing Arts Renovation Project – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7971** authorizing a FY 2008/09 capital contingency transfer of \$902,000 to CIP Project D0604, Scottsdale Center for the Performing Arts (SCPA) renovation.
Related Policies, References:
 - On May 4, 2004, Council awarded Architectural Services Contract No. 2004-030-COS to Douglas Architecture & Planning for master planning of facility improvements at SCPA, and for design of SCPA restroom improvements.
 - On Jun 21, 2005, Council awarded Contract Modification No. 2004-030-COS-A1 for design of Phase 1 SCPA improvements, including renovations of the atrium and box office.
 - On July 9, 2007, Council awarded Contract Modification No. 2004-030-COS-A2 for the design of the Virginia G. Piper Theater renovations.

(Item No. 24 continued on next page)

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- On July 11, 2006, Council awarded Architectural Services Contract No. 2006-087-COS to ZHA-VMS to provide facility-wide programming services at the SCPA, including developing concepts for possible theater improvements.
- On June 9, 2007, Council awarded CM@Risk Contract No. 2005-198-COS to Howard S. Wright Construction Company for design-phase services for the phase 1 renovation of the SCPA.
- On November 20, 2007, Council awarded Contract Modification No. 2005-198-COS-A1 to add design-phase services for the renovation of the Virginia G. Piper Theater.
- On March 18, 2008, Council awarded CM@Risk Contract No. 2008-045-COS to Howard S. Wright Construction Company for phase 1 construction services for the atrium and box office renovations.
- On July 8, 2008, Council awarded Contract Modification No. 2008-045-COS-A1 for additional construction services, including initial construction services for the Virginia G. Piper Theater.
- On December 9, 2008, Council awarded Contract Modification No. 2008-045-COS-A2 for remaining construction services for the Virginia G. Piper Theater.
- On December 9, 2008, Council approved a capital contingency transfer of \$1,561,500 to CIP Account D0604 for the SCPA renovation.

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

- ***24A.** [Self-Funded HMO/PPO Aetna Insurance Contract Modification](#) – **APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8014** authorizing Contract No. 2003-148-COS-A2 with Aetna Life Insurance Company that adds a third medical plan to replace the MMSI Health Tradition Medical Plan.

Related Policies, References:

- On September 23, 2003, Council authorized new employee health care contracts
- On February 24, 2009, Council adopted Resolution No. 7873, authorizing the City Manager to have appropriate City staff take actions necessary to obtain a third Aetna medical plan, referred to as the “Aetna high-level PPO plan” for FY 2009/10, and not renew the MMSI Health Tradition medical plan for FY 2009/10.

Staff Contact(s): La Verne Parker Diggs, Human Resources General Manager, 480-312-2615, lparkerdiggs@scottsdaleaz.gov

- ***24B.** [Appointment to Council Audit Committee](#) – **APPROVED ON CONSENT**

Request: Affirm Mayor Lane’s assignment to the Council Audit Committee.

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

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.**

- ***25A. **Adoption of Property Tax Levies** – MOTION TO ADOPT ORDINANCE NO. 3858 – OK 6/1 (WE)
Request: Adopt Ordinance No. 3858 setting the FY 2009/10 property tax levy and rate.
Related Policies, References: Arizona Revised Statutes, City Charter
Staff Contact(s): Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov
- ***25B. **Adoption of Streetlight Property Tax Levies** – MOTION TO ADOPT ORDINANCE NO. 3859 – OK – 7/0
Request: Adopt Ordinance No. 3859 setting the streetlight property tax levy by district.
Related Policies, References: Arizona Revised Statutes, City Charter
Staff Contact(s): Scott McCarty, Financial Services General Manager, 480-312-7582, smccarty@scottsdaleaz.gov
26. **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, 480-312-2423
- ***26A. **Extension of Federal Lobbying and Information Services Contract with Carolyn C. Chaney and Associates** –
MOTION TO DENY RESOLUTION NO. 7970 – FAILED 3/4 (LB, WE, SK, RM)

MOTION TO ADOPT RESOLUTION NO. 7970 – OK – 4/3 (JL, RL, TN)
Request: Adopt Resolution No. 7970 authorizing a one-year extension of Contract No. 2008-096-COS with Carolyn C. Chaney and Associates to provide federal lobbying and information services on behalf of the City in the amount of \$80,000, plus up to \$6,000 for reimbursable expenses.
Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov
27. **Amendment to the In-Lieu Parking Payment Structure** – MOTION TO ADOPT RESOLUTION NO. 7907 – OK – 7/0
Request: Adopt Resolution No. 7907 amending Resolution No. 7847, which established the payment, fees, and fee adjustment procedures for in-lieu parking credits as provided by the parking section of the City of Scottsdale Appendix B Basic Zoning Ordinance.
Related Policies, References:
- Resolution No. 7847, adopted February 24, 2009
 - City of Scottsdale Zoning Ordinance
- Staff Contact(s):** David E. Richert, Planning and Development Services General Manager, 480-312-2890, drichert@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

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28. **Drift Rezoning and Conditional Use Permit (2-ZN-2007 and 21-UP-2007#2)** – MOTION TO ADOPT ORDINANCE NO. 3825 AND RESOLUTION NO. 7844; FINDING THAT THE BAR CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; AND, ADDING THE STIPULATION THAT THE APPLICANT IS REQUIRED TO MAINTAIN 37 LEASED PARKING SPACES AND 13 CONSTRUCTED OR IN-LIEU PARKING SPACES AS A CONDITION OF THE BAR CONDITIONAL USE PERMIT- OK – 4/3 (RL, RM, TN)

Requests:

1. Adopt **Ordinance No. 3825** approving the rezoning for Case No. 2-ZN-2007.
2. Adopt **Resolution No. 7844** approving the Bar Conditional Use Permit expansion and finding that the conditional use permit criteria have been met for Case No. 21-UP-2007#2.

Related Policies, References:

- General Plan
- Downtown Plan
- 21-UP-2007
- 106-LL-2008
- 5-IP-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

29. **Drift In-Lieu Parking Request (5-IP-2007)**

MOTION TO ADOPT AMENDED RESOLUTION NO. 7813, REQUIRING THE APPLICANT TO PURCHASE 6 IN-LIEU PARKING SPACES AND LEASING 37 PARKING SPACES, AND DIRECTING THE CITY ATTORNEY AND CITY MANAGER TO AMEND THE DEVELOPMENT AGREEMENT CONSISTENT WITH THE RESOLUTION – FAILED – 3/4 (JL, RL, RM, TN)

MOTION TO APPROVE CASE NO. 5-IP-2007 ALLOWING THE APPLICANT TO LEASE 37 PARKING SPACES AND BUY 13 IN-LIEU PARKING CREDITS, OR TO IMPROVE 13 PARKING SPACES LOCATED IN FRONT OF THE APPLICANT'S BUSINESS ESTABLISHMENT – OK – 4/3 (RL, RM, TN)

MOTION TO ADOPT RESOLUTION NO. 7923 APPROVING AMENDED DEVELOPMENT AGREEMENT NO. 2008-202-COS TO ALLOW THE APPLICANT TO CONSTRUCT 13 PUBLIC PARKING SPACES OR MAKE AN IN-LIEU PAYMENT FOR 13 PARKING SPACES – OK – 4/3 (RL, RM, TN)

Requests:

1. Adopt **Resolution No. 7813** approving the request for 37 in-lieu parking credits and finding that the criteria for in-lieu parking for the property have been met.
2. Adopt **Resolution No. 7823** approving Development Agreement No. 2008-202-COS to allow the owner to construct 37 public parking spaces to receive 37 in-lieu parking credits.

Related Policies, References:

- 21-UP-2007#2
- 2-ZN-2007
- Resolution No. 7907

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

30. **Participation in Valley Metro Rail, Inc. (METRO) – MOTION TO DISCONTINUE PARTICIPATION IN VALLEY METRO RAIL, INC., AND PAYMENT OF \$50,000 PER YEAR MEMBERSHIP FEES – OK – 4/3 (WE, SK, RM)**
Request: At the request of Mayor Lane, discuss, consider and possibly take action regarding the City’s continued participation in Valley Metro Rail, Inc., which costs the City \$50,000 per year in membership fees, in addition to the dedication of staff time.
Staff Contact(s): Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov
31. **Citizen Petition Regarding Request to Attach Opposition Statement to Resolution No. 7763 – MOTION TO REJECT ACTION REQUESTED IN PETITION – OK – 7/0**
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to attach an Opposition Statement to Resolution No. 7763 adopted by the Council on February 10, 2009 regarding Abandonment Case No. 22-AB-2005. The petition was submitted by Mr. Leon Spiro at the May 19, 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.”
32. **Citizen Petition to Repeal and/or Nullify Abandonment Request No. 22-AB-2005 – MOTION TO SPECIFICALLY REJECT THE ACTION TO REPEAL AND/OR NULLIFY ABANDONMENT REQUEST NO. 22-AB-2005 – OK – 6/1 (TN)**
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 May 19, 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.”
33. **Citizen Petition Requesting Creation of an Office of Citizen Ombudsman Services – MOTION TO REJECT THE PETITION REQUESTING CREATION OF AN OFFICE OF OMBUDSMAN – OK – 6/1 (TN)**
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to create an Office of Citizen Ombudsman Services to be responsible for resolving unanswered citizen complaints. The petition was submitted by Mr. Leon Spiro at the May 19, 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.”

Public Comment – LEON SPIRO PRESENTED A CITIZEN PETITION ASKING THE COUNCIL TO REPEAL AND/OR NULLIFY ABANDONMENT REQUEST NO. 22-AB-2005 AND RESOLUTION NO. 7763 THAT WAS RECENTLY RECORDED WITH THE MARICOPA COUNTY RECORDER’S OFFICE.

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “Public Comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during “Public Comment” time.**

Mayor and Council Items

- **VICE MAYOR McCULLAGH ASKED TO AGENDIZE A DISCUSSION REGARDING A SURVEY ON CITIZENS’ PREFERENCE FOR LIGHT RAIL IN THE CITY**
- **COUNCILMAN ECTON ASKED TO AGENDIZE A DISCUSSION REGARDING THE CITY MANAGER’S PROPOSAL TO CONDUCT A COUNCIL STRATEGIC VISIONING SESSION**
- **COUNCILMAN ECTON ASKED TO AGENDIZE A DISCUSSION REGARDING SCHEDULING COUNCIL MEETING AGENDA ITEMS LESS THAN 10 DAYS PRIOR TO A MEETING, UNLESS IT IS AN EMERGENCY**

Adjournment – 10:18 PM