

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

[APPOINTMENTS TO BOARDS, COMMISSIONS AND TASK FORCES ADDED; CONSENT ITEM 5 AND MAYOR AND COUNCIL ITEM 20 MOVED TO JULY 2, 2009; REGULAR ITEM 17 REWORDED; AND CONSENT ITEM 8 AND MAYOR AND COUNCIL ITEMS 21 AND No. 22A WERE WITHDRAWN]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Wednesday, July 1, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:10 PM**

Roll Call – **COUNCILMAN NELSEN ABSENT**

Pledge of Allegiance – **COUNCILWOMAN BOROWSKY**

Invocation – **NONE**

City Manager's Report – **NONE**

Presentations/Information Updates

Approval of Minutes

- OK – 6/0

REGULAR MEETINGS

[June 2, 2009](#)

[June 9, 2009](#)

[June 16, 2009](#)

SPECIAL MEETINGS

[June 2, 2009, 3 PM](#)

[June 2, 2009, 5 PM](#)

EXECUTIVE SESSIONS

February 10, 2009

February 24, 2009

March 3, 2009

March 31, 2009

EXECUTIVE SESSIONS

April 7, 2009

April 28, 2009

May 12, 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).

*** Appointments to Boards, Commissions and Task Forces

[McDowell Sonoran Preserve Commission](#). Approve non-member appointments to standing committees.

- **Planning Subcommittee.** *Nominee:* Megan Mosby – **OK – 6/0**

CONSENT AGENDA ITEMS 1-16

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. [McCormick-Stillman Railroad Park Municipal Use Master Site Plan and Conditional Use Permit \(32-UP-2008 and 15-UP-2009\)](#) – **APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA**

Requests:

1. Adopt **Resolution No. 7996** approving the Municipal Use Master Site Plan and finding that the criteria have been met for Case No. 32-UP-2008.
2. Adopt **Resolution No. 7997** approving a Conditional Use Permit for a park and other municipal uses and finding that the conditional use permit criteria have been met for Case No. 15-UP-2009.

Location: 7301 E. Indian Bend Road

Related Policies, References:

- Vision 2010: Parks Master Plan
- 2001 General Plan – Open Space and Recreation Element
- October 1975 dedicated as a park site
- 68-CI-1980
- 33-UP-1993
- 11-UP-1999
- 65-DR-2009
- 3-ZN-2009
- 1-HP-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

2. [Main Street Rezoning \(2-ZN-2009\)](#) – **APPROVED ON CONSENT**

Request: Adopt **Ordinance No. 3862** approving a rezoning from a Multiple-Family Residential District, Downtown Overlay (R-5/DO) to Central Business District, Downtown Overlay (C-2/DO) zoning on a 13,039± square foot parcel.

Location: 6915 and 6921 E. Main Street

Related Policies, References: General Plan, Downtown Character Area Plan

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

Wednesday, July 1, 2009
Page 3 of 8

3. [Roald Amundsen Pullman Car HP Overlay Zoning \(3-ZN-2009 and 1-HP-2009\)](#) –

APPROVED ON CONSENT

Request: Adopt **Ordinance No. 3861** approving a rezoning from Open Space District (O-S) to Open Space District, Historic Property, on .07± acres.

Location: 7301 E. Indian Bend Road

Related Policies, References:

- General Plan Community Values, Land Use, Character and Design, and Economic Vitality Elements
- Section 6.100 (HP) Historic Property Supplementary District
- Ordinance No. 3242, Historic Preservation Ordinance, approved by Council in 1999, requires the Historic Preservation Commission to make a recommendation to the Planning Commission and City Council on all historic preservation overlay zoning cases
- Ordinance No. 3242 provides for the Historic Preservation Commission to initiate historic preservation overlay zoning cases
- 32-UP-2008

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

4. [4714 N. 68th Place Replat \(7-PP-2009\)](#) – **APPROVED ON CONSENT**

Request: Approve a subdivision replat of Lot 2 of the Haciendas Monte Vista Subdivision into two residential lots on 0.67 acres.

Location: 4714 N. 68th Place

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

***5. **Growing Smarter Grant Application for State Trust Lands for the McDowell Sonoran Preserve**

Moved to the Thursday, July 2, 2009 Agenda.

6. [Professional Self-Funded Medical and Dental Plan Benefits Consulting Services Contract Extension](#) – **APPROVED ON CONSENT**

Request: Adopt **Resolution No. 7989** authorizing a one-year extension of Contract No. 2006-107-COS with Mercer Health and Benefits for professional benefits consulting services for the City's self-funded medical and dental plans, not to exceed \$26,900.

Related Policies, References:

- On June 20, 2006, Council approved Contract No. 2006-107-COS with Mercer
- February 24, 2009 Council Report concerning premium contribution rates and plan design changes for employee medical and dental plans for FY 2009/10

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

CONSENT AGENDA

Wednesday, July 1, 2009
Page 4 of 8

7. **Sanctuary Golf Course Reimbursement Payments – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8010** authorizing reimbursement payment in the amount of \$89,287.94 from the Basin Management Fund to SUNCOR Resort and Golf Management, Inc., (Sanctuary Golf Course) for the construction cost for the installation of a new putting, chipping, and bunker practice area in the driving range tee, and the expansion of the tournament cart parking and staging area.
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov
- ***8. **Tournament Players Championship Golf Course Easement and Maintenance Agreement**
(Withdrawn)
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov
9. **North Corporation Yard Wireless Facility Lease Agreement – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7732** authorizing License Agreement No. 2008-153-COS with New Cingular Wireless PCS, LLC, a Delaware limited liability company permitting the installation and operation of a wireless site at the City's North Corporation Yard.
Location: 9191 E. San Salvador Drive
Related Policies, References:
- Chapter 2, Article IV, Division 5, Section 2-221(c) of the Scottsdale Revised Code permits the City to allow outside parties to use City-owned real property by means of a revocable license agreement.
 - On March 4, 2003, Council approved a Wireless Communications Facilities Ordinance Amendment.
- Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
10. **Engineering Services Contract Modification for the Design of Scottsdale/McDowell Transit Facility – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7980** authorizing Engineering Services Contract No. 2005-184-COS-A2 with PB Americas, Inc., for the design of Scottsdale/McDowell Transit Facility.
Related Policies, References:
- On December 12, 2005, Council awarded Contract No. 2005-184-COS to Parsons, Brinckerhoff, Quade & Douglas, Inc., for the planning of Scottsdale/McDowell Transit Passenger Facility
 - On March 10, 2009, Council awarded Contract Modification No. 2005-184-COS-A1 to PB Americas, Inc., (formerly Parsons, Brinckerhoff, Quade & Douglas, Inc.) for the design of Scottsdale/McDowell Transit Passenger Facility
- Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

CONSENT AGENDA

Wednesday, July 1, 2009

Page 5 of 8

11. Wall Easement Agreements for Construction of Sound Barriers Along Pima Road –

APPROVED ON CONSENT

Request: Adopt **Resolution No. 8019** amending Resolution No. 7491 and Resolution No. 7898 allowing the acceptance of wall easement agreements for the construction of sound barriers proposed along Pima Road, Deer Valley Alignment to Pinnacle Peak Road, and permitting recordation of the easements with the Maricopa County Recorder's Office as they are received from the individual property owners.

Related Policies, References:

- On June 16, 2003, Council awarded Engineering Services Contract No. 2003-114-COS to Entellus, Inc., for design of improvements to Pima Road from the Loop 101 Freeway to Thompson Peak Parkway
- 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 the Loop 101 Freeway to Pinnacle Peak Road
- On March 4, 2008, Council authorized the acquisition of easements for the purpose of the construction of sound barriers associated with the Pima Road widening project between the Deer Valley Road alignment and Pinnacle Peak Road
- On April 21, 2009, Council adopted Resolution No. 7898 authorizing a one-year extension of time for easement acquisition for the purpose of the construction of sound barriers along Pima Road

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

12. Scottsdale Road Streetscape Construction Administration and Inspection Services Contract and Acquisition of Rights-of-Way – APPROVED ON CONSENT

Requests:

1. Adopt **Resolution No. 8001** authorizing Engineering Services Contract No. 2009-071-COS with HDR Construction Control Corporation in the amount of \$941,146 for construction administration and inspection services for the Scottsdale Road streetscape improvements project from Roosevelt Street to Earll Drive.
2. Adopt **Resolution No. 8017** authorizing the acquisition of various easement interests from properties located along Scottsdale Road between Roosevelt Street and Earll Drive.

Related Policies, References:

- On March 8, 2005, Council approved Engineering Services Contract No. 2005-020-COS with OTAK, Inc., for the development of Scottsdale Road Streetscape master plan, design guidelines, and initial conceptual design work
- On September 26, 2006, Council approved Engineering Services Contract No. 2005-020-COS-A1 with OTAK, Inc., to provide construction documents for Scottsdale Road Streetscape improvements from Roosevelt Street to Earl Drive

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

13. Governor's Office of Highway Safety Grant Application for DUI Task Force Overtime –

APPROVED ON CONSENT

Request: Adopt **Resolution No. 7999** authorizing the City to:

- a. Apply for a grant from the Arizona Governors Office of Highway Safety in the amount of \$40,082.45 for DUI Task Force overtime.
- b. Accept the grant, if awarded, and transfer \$40,082.45 from the Future Grants Budget to a center in the Grants Fund Budget that will be established to record all the grant activity.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

CONSENT AGENDA

Wednesday, July 1, 2009

Page 6 of 8

14. **Governor's Office of Highway Safety Grant for Purchase of Electronic Ticket Writers – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7998** authorizing the City to:
- Apply for a grant from the Arizona Governors Office of Highway Safety in the amount of \$42,000 for the purchase of eight handheld electronic citation writers to be used by the Police Department's Traffic Enforcement Section.
 - Accept the grant, if awarded, and transfer \$42,000 from the Future Grants Budget to a center in the Grants Fund that will be established to record all the grant activity.
- Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
15. **Intergovernmental Agreement with Scottsdale Unified School District for a Public Safety Radio Site at Desert Mountain High School – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8018** authorizing the Mayor to execute Intergovernmental Agreement No. 2009-074-COS with the Scottsdale Unified School District allowing the City to install and operate a public safety radio communications site at Desert Mountain High School.
Related Policies, References:
- On June 2, 2009, Council adopted Resolution No. 7923 authorizing Contract No. 2009-031-COS with Motorola, Inc., for the design, engineering, and construction of radio sites required for the expansion and upgrade of the City's public safety radio communications network.
 - On October 21, 2008, Council adopted Resolution No. 7720 authorizing Contract No. 2008-148-COS with Motorola, Inc., for the purchase of equipment necessary to expand and upgrade the City's public safety radio communications network.
 - On November 21, 2006, Council adopted Resolution No. 6995 authorizing Contract No. 2006-152-COS with COXCOM, Inc., dba Cox Communications, for a communications tower site license at 11138 N. 148th Street in Fountain Hills in support of the City of Scottsdale Fire Department.
 - On September 7, 2004, Council adopted Resolution No. 6550 authorizing the City Manager to sign IGA-2004-138-COS with the City of Phoenix to participate in the Phoenix Fire Department Regional Dispatch System and IGA No. 2004-139-COS initiating City participation in the Central Arizona Life Safety Response System, including automatic aid.
- Staff Contact(s):** Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov
16. **Appoint an Acting City Manager in Absence of City Manager – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8022** appointing an Acting City Manager to serve in the absence of the City Manager, establishing an orderly succession of persons to serve as Acting City Manager, and repealing Resolution No. 7568.
Related Policies, References:
- Scottsdale City Charter, Article 3, Section 4
 - Resolution No. 7568
- Staff Contact(s):** Brent Stockwell, Senior Advisor, 480-312-7299, bstockwell@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.**

*****17. American Recovery and Reinvestment Act Update – MOTION TO ADOPT RESOLUTION NO. 8026 – OK – 6/0**

Requests:

1. Adopt **Resolution No. 8026** authorizing acceptance of previously Council approved American Recovery and Reinvestment Act (ARRA) grants; authorizing the associated budget transfers; and authorizing the creation of a new cost center to record the related grant activity.
2. Presentation, discussion, and possible direction regarding ARRA funds and applications for potential fire station construction grants.

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

MAYOR AND COUNCIL

ITEMS 18-24

18. Citizen Petition Requesting Clarification of the City's Position Regarding Abandonment of Government Land Office Patent Easements – MOTION TO TAKE NO ACTION ON THE PETITION – OK – 5/1 (LB)

Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council for clarification on the City's position regarding abandonment of Government Land Office (GLO) patent easements, and to provide answers to nine written questions related to Case No. 22-AB-2005. The petition was submitted by Mr. Leon Spiro at the June 2, 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."

19. Citizen Petition to Repeal and/or Nullify Abandonment Request No. 22-AB-2005 – MOTION TO REJECT THE PETITION – OK – 6/0

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, along with the recently recorded Resolution No. 7763. The petition was submitted by Mr. Leon Spiro at the June 16, 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."

MAYOR AND COUNCIL

Wednesday, July 1, 2009
Page 8 of 8

- ***20. Light Rail Survey**
Moved to the Thursday, July 2, 2009 Agenda.
- 21. Strategic Visioning Session**
Withdrawn.
- 22. Submission of Agenda Items**
MOTION TO DIRECT STAFF TO PREPARE A RESOLUTION THAT RESTRICTS AN ITEM FROM BEING PLACED ON A SCHEDULED COUNCIL MEETING AGENDA LESS THAN SEVEN DAYS PRIOR TO THE MEETING WITHOUT A COMPELLING REASON AND THERE IS AGREEMENT BETWEEN THE MAYOR AND THE CITY MANAGER
- AMENDED MOTION TO DIRECT STAFF TO PREPARE A RESOLUTION THAT RESTRICTS AN ITEM FROM BEING PLACED ON A SCHEDULED COUNCIL MEETING AGENDA WITHOUT SUFFICIENT NOTICE UNLESS THERE IS AGREEMENT BETWEEN THE MAYOR AND THE CITY MANAGER – FAILED – 3/3 (JL, LB, RL)**
- Request:** At the request of Councilman Ecton, discuss and provide possible direction to staff to prepare a resolution that restricts an item from being added to a scheduled Council Meeting Agenda less than 10 days prior to a meeting, unless it is an emergency.
- ***22A. Federal Legislative Lobbying Program**
Withdrawn.
- 23. Public Comment – LEON SPIRO EXPRESSED CONCERN THAT HIS PRIVATE PROPERTY AND DOMINANT TENEMENT EASEMENT RIGHTS WERE NEGATIVELY IMPACTED BY THE COUNCIL’S APPROVAL OF ABANDONMENT CASE NO. 22-AB-2005.**
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.**
- 24. Acknowledgement and Scheduling of Citizen Petitions – NONE**
Request: Acknowledge receipt of and schedule any citizen petitions submitted at the July 1, 2009 Council Meeting for the next City Council meeting that will be held in the regular course of business, which will be the first meeting following the summer break to be held on August 24, 2009.
Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

Mayor and Council Items – NONE

Adjournment – 6:03 PM