

SCOTTSDALE

CITY COUNCIL MEETING



AMENDEDMEETING NOTICE AND AGENDA

[ADDED NOTICE OF POSSIBLE EXECUTIVE SESSION, CONSENT AGENDA ITEM No. 19A AND REGULAR AGENDA ITEM No. 24]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, August 25, 2009

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

***Possible Executive Session

Notice is hereby given that at any time during the tonight's meeting, the City Council may make a motion to recess into Executive Session for Item No. 19A and/or Item No. 23 to discuss and consider employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Interim City Attorney or City Clerk, and/or to discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position regarding same. A.R.S. §38-431.03(A)(1) and (A)(3).

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 RAYMOND STIFFLER

City Manager's Report – MR. LITTLE HIGHLIGHTED THE GOOD WORK OF THE PLANNING DEPARTMENT IN ASSISTING NIGHT HAWK RADIOLOGY AND THE ARIZONA STATE UNIVERSITY WP CAREY SCHOOL OF BUSINESS WITH PLAN REVIEW AND PERMITTING PROCESSES. HE THANKED THE SCOTTSDALE POLICE DEPARTMENT FOR THEIR EXTRAORDINARY WORK IN A RECENT HOMICIDE INVESTIGATION.

Presentations/Information Updates



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 – NICK LUONGO SPOKE AGAINST THE AIRPORT ADVISORY COMMISSION’S DECISION TO RECOMMEND RAISING THE SCOTTSDALE AIRPORT RUNWAY LIMIT TO 100,000 POUNDS. LISA HASKELL SAID THE REVITALIZATION OF THE SOUTHERN AREA OF THE CITY IS A PRIORITY, AND EXPRESSED CONCERN ABOUT GRAFFITI. DARLENE PETERSEN EXPRESSED DISAPPOINTMENT WITH THE COUNCIL’S DECISIONS REGARDING GLO ABANDONMENT CASES AFFECTING LEON SPIRO.

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

CONSENT AGENDA ITEMS 1-19A

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. [Rosati’s Pizza Liquor License \(46-LL-2009\)](#) – 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: 10989 E. Dynamite Boulevard
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

2. [Sphinx Date Ranch and Southwest Market Liquor License \(45-LL-2009\)](#) – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a new location and owner.
Location: 3039 N. Scottsdale Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

3. [Fred’s at Barney’s of New York Liquor License \(47-LL-2009\)](#) – 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: 4500 N. Scottsdale Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

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4. **White House Liquor License (48-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: 4225 N. Craftsman Court
Staff Contact(s): David E. Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
5. **Suckerpunch Sally's Liquor License (49-LL-2009)** – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesale) liquor license for a new location and owner.
Location: 14982 N. 83rd Place, Suites 100 and 102
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
6. **SLO Foods Organic Café Liquor License (50-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: 6166 N. Scottsdale Road, Suite 210
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
7. **Trader Joe's No. 87 Liquor License (51-LL-2009)** – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 7 (beer and wine bar) liquor license for an existing location with a new owner.
Location: 7555 Frank Lloyd Wright Boulevard
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
8. **Tournament Players Championship Golf Course Easement Release and Rededication and Maintenance Agreement** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8003** authorizing the Mayor to execute Contract No. 2009-073-COS for the purpose of releasing and rededicating easements on a portion of the Tournament Players Championship Golf Course and for the provision of the operation, maintenance, construction and reconstruction of the golf course and related accessory uses and structures.
Staff Contact(s): William B. Murphy, Community Services Managing Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
9. **Scottsdale Links Resort Conditional Use Permit (7-UP-2006)** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8038** approving a Conditional Use Permit for a private park/picnic grounds at an existing timeshare community and finding that the conditional use permit criteria have been met.
Location: 16858 N. Perimeter Drive
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

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10. **[4225 N. Craftsman Court In-Lieu Parking Request \(1-IP-2009\)](#)** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7995** approving the request for leasing 19 in-lieu parking credits and finding that the criteria for in-lieu parking for the property have been met.
Location: 4225 N. Craftsman Court
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
11. **[Scottsdale Stadium Use Contract with Arizona Fall League](#)** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8047** authorizing Contract No. 2009-132-COS with Arizona Fall League for use of Scottsdale Stadium.
Staff Contact(s): William B. Murphy, Community Services Managing Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
12. **[Arizona State Department of Library, Archives, and Public Records Library Services and Technology Act Grant](#)** – APPROVED ON CONSENT
Requests: Adopt **Resolution No. 8024** to:
 1. Authorize the Library Department of the Community Services Division to accept a 2009-2010 Library Services and Technology Act grant from the Arizona State Library, Archives and Public Records in the amount of \$23,100. The grant will be used for a project entitled “Services to the Hispanic Community,” and will allow the Scottsdale Public Library to assist the Hispanic community in using the products and services of the library.
 2. Authorize the transfer of \$23,100 in Future Grants Budget adopted in the FY 2009/10 Grants Budget to the center assigned to record all grant activity, and authorize the Library Director, as agent of the City, to accept and administer the grant.**Staff Contact(s):** William B. Murphy, Community Services Managing Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
13. **[Intergovernmental Agreement with Maricopa County Library District for Reciprocal Borrowing](#)** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8028** authorizing Intergovernmental Agreement No. 2001-094-COS-A3 with the Maricopa County Library District to extend the Reciprocal Borrowing Program for one year.
Staff Contact(s): William B. Murphy, Community Services Managing Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov
14. **[On-Call Archaeological Services Contracts](#)** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8051** authorizing the following contracts to provide on-call archaeological services for the implementation of the Protection of Archaeological Resources Ordinance:
 1. Professional Services Contract No. 2009-120-COS with Archaeological Consulting Services, Ltd.
 2. Professional Services Contract No. 2009-121-COS with Desert Archaeology, Inc.
 3. Professional Services Contract No. 2009-122-COS with Logan Simpson Design, Inc.
 4. Professional Services Contract No. 2009-123-COS with Northland Research, Inc.**Staff Contact(s):** David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

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15. **Wired Telecommunications License Agreement with Electric Lightwave LLC, dba Integra Telecom** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8039** authorizing Contract No. 2009-124-COS, a wired telecommunications right-of-way license that allows Electric Lightwave LLC, dba Integra Telecom, to construct, operate, maintain and repair a telecommunications network in the City's rights-of-way.
Staff Contact(s): Brad Hartig, Information Technology Managing Executive Director, 480-312-7615, bhartig@scottsdaleaz.gov

16. **On-Call Architectural Services Contracts for Renovations and Improvements to City Facilities** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8032** authorizing the following contracts for on-call architectural services for the repair, maintenance and renovation of existing City facilities, in an amount not to exceed \$250,000 annually per contract:
 1. Contract No. 2009-109-COS with Architectural Resource Team, Inc.
 2. Contract No. 2009-110-COS with Gabor Lorant Architects, Inc.
 3. Contract No. 2009-111-COS with The Durrant Group
 4. Contract No. 2009-112-COS with DWL Architects and Planners, Inc.**Staff Contact(s):** Dan Worth, Director, Public Works, 480-312-2776, dworth@scottsdaleaz.gov

17. **On-Call Mechanical Engineering Services Contracts for Renovations and Improvements to City Facilities** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8033** authorizing the following contracts for on-call mechanical engineering services for the repair, maintenance and renovation of existing City facilities, in an amount not to exceed \$100,000 annually per contract:
 1. Contract No. 2009-113-COS with Kitchell CEM, Inc.
 2. Contract No. 2009-114-COS with LSW Engineers Arizona, Inc.
 3. Contract No. 2009-115-COS with Pearson Engineering Associates, Inc.**Staff Contact(s):** Dan Worth, Director, Public Works, 480-312-2776, dworth@scottsdaleaz.gov

18. **On-Call Electrical Engineering Services Contracts for Renovations and Improvements to City Facilities** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8034** authorizing the following contracts for on-call electrical engineering services for the repair, maintenance and renovation of existing City facilities, in an amount not to exceed \$100,000 annually per contract:
 1. Contract No. 2009-116-COS with Wright Engineering Corporation
 2. Contract No. 2009-117-COS with LSW Engineers Arizona, Inc.
 3. Contract No. 2009-118-COS with DARcor & Associates, Inc.**Staff Contact(s):** Dan Worth, Director, Public Works, 480-312-2776, dworth@scottsdaleaz.gov

19. **On-Call Structural Engineering Services Contracts for Renovations and Improvements to City Facilities** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8035** authorizing the following contracts for on-call structural engineering services for the repair, maintenance and renovation of existing City facilities, in an amount not to exceed \$100,000 annually per contract:
 1. Contract No. 2009-119-COS with Caruso Turley Scott, Inc.
 2. Contract No. 2009-126-COS with Kitchell CEM, Inc**Staff Contact(s):** Dan Worth, Director, Public Works, 480-312-2776, dworth@scottsdaleaz.gov

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- ***19A. [Appointment of Interim City Attorney](#) – MOTION TO ADOPT RESOLUTION NO. 8061 – FAILED – 3/4 – (LB, WE, SK, RM)
Request: Adopt **Resolution No. 8061** authorizing the Mayor to execute Contract No. 2009-138-COS appointing William J. Sims of Moyes, Sellers & Sims as Interim City Attorney.
Staff Contact(s): Tim La Sota, Mayor's Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov

REGULAR AGENDA ITEMS 20-24

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.**

20. [2011 General Plan Update](#) – ERIN PERRAULT PRESENTATION
Request: Review, discuss, and provide possible direction to staff regarding the proposed process for the 2011 General Plan Update.
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
21. [Acquisition of Real Property for Construction of the Desert Foothills Fire Station 13](#) – MOTION TO CONTINUE TO A DATE UNCERTAIN – OK – 7/0
Request: Adopt **Resolution No. 8016** authorizing the acquisition of approximately two acres of real property for Fire Station 13, at a cost of \$475,000, plus closing costs.
Location: Northeast corner of Jomax and Miller Roads (Maricopa County Assessor Parcel 212-22-058)
Staff Contact(s): Dan Worth, Director, Public Works, 480-312-2776, dworth@scottsdaleaz.gov
22. [Appeal of the Development Review Board Decision Regarding La Posada Ranch \(Carriage Hills Phase I\)](#) –
MOTION TO NULLIFY THE DEVELOPMENT REVIEW BOARD DECISION AND DIRECT STAFF TO WORK WITH NEIGHBORHOOD REPRESENTATIVES TO DEVELOP A COMPLIANCE PLAN TO ACCOMMODATE THE SITUATION OF THE NEIGHBORHOOD. – WITHDRAWN

MOTION TO NULLIFY THE DEVELOPMENT REVIEW BOARD DECISION, REQUEST CARRIAGE HILLS TO APPLY THE 2009 ESL PLANT LIST TO NON-NAOS AREAS; BRING NAOS AREAS INTO COMPLIANCE; DIRECT STAFF TO WORK WITH THE NEIGHBORHOOD TO ENSURE A SMOOTH TRANSITION; AND RETURN TO COUNCIL FOR APPROVAL OF PLANTS NOT ON THE APPROVED LIST.

AMENDED MOTION TO NULLIFY THE DEVELOPMENT REVIEW BOARD DECISION, REQUEST CARRIAGE HILLS TO APPLY BOTH THE 2009 ESL PLANT LIST, AND THE ORIGINAL PLANT LIST, TO NON-NAOS AREAS; BRING NAOS AREAS INTO COMPLIANCE; DIRECT STAFF TO WORK WITH THE NEIGHBORHOOD TO ENSURE A SMOOTH TRANSITION; AND RETURN TO COUNCIL FOR APPROVAL OF PLANTS NOT ON THE APPROVED LIST.
– OK – 6/1 (LB)

Request: Uphold, modify, or overturn the Development Review Board's July 9, 2009 decision regarding Case No. 80-DR-2009, which approved an amended plant list for La Posada Ranch. The City Council initiated the appeal on July 28, 2009.
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

23. City Clerk Evaluation – MOTION TO RECESS INTO EXECUTIVE SESSION – OK – 7/0

Request: Discuss, consider and take possible action regarding the employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the City Clerk.

*****24. City Attorney Recruitment – MOTION TO AUTHORIZE THE COUNCIL AUDIT COMMITTEE TO SERVE AS THE SEARCH COMMITTEE FOR THE RECRUITMENT OF A QUALIFIED INDIVIDUAL FOR THE POSITION OF CITY ATTORNEY, CONSIDER RESIDENCY REQUIREMENTS, SOLICIT AND SCREEN APPLICANTS FOR THE POSITION, AND MAKE A RECOMMENDATION TO THE FULL CITY COUNCIL ON THE CANDIDATE OR CANDIDATES TO BE CONSIDERED FOR APPOINTMENT AS CITY ATTORNEY. THE CITY MANAGER IS DIRECTED TO ENSURE THAT THE HUMAN RESOURCES DEPARTMENT WORKS WITH THE AUDIT COMMITTEE TO FACILITATE COMPLETION OF THESE TASKS. – OK – 7/0**

Request: Discussion and possible action regarding conducting a search for a permanent City Attorney as prescribed by the City Charter.

Public Comment – NONE

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Mayor and Council Items

- **COUNCILMAN ECTON ASKED TO HAVE A DISCUSSION ON THE SELECTION PROCESS TO APPOINT AN INTERIM CITY ATTORNEY SCHEDULED FOR SEPTEMBER 8, 2009.**
- **COUNCILMAN NELSEN ASKED IF COUNCIL ACTION WAS NEEDED TO ADOPT A RECENT CHANGE ENACTED BY THE ARIZONA LEGISLATURE REGARDING SIGNATURE REQUIREMENTS FOR ELECTION BALLOTS. CITY CLERK CAROLYN JAGGER CONFIRMED THAT AN ORDINANCE IS SCHEDULED FOR COUNCIL ACTION ON THE OCTOBER 6, 2009 AGENDA.**

Adjournment – 8:23 PM