

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

[ADDED AUGUST 25, 2009 REGULAR MEETING MINUTES; REGULAR ITEM NO. 14A; REWORDED MAYOR AND COUNCIL ITEM NOS. 15 AND 17; ADDED MAYOR AND COUNCIL ITEM NO. 19]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, September 8, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:09 PM

Roll Call – ALL PRESENT

Pledge of Allegiance – DAISY TROOP No. 161

Invocation – REVEREND PAULA WEBB, NATIONAL INTERFAITH COUNCIL

City Manager's Report – MR. LITTLE GAVE AN UPDATE ON THE RETIREMENT HEALTH SAVINGS PROGRAM. HE ANNOUNCED THAT SCOTTSDALE FIRE STATION NO. 2 WAS AWARDED LEED PLATINUM LEVEL CERTIFICATION. THE ROALD AMUNDSEN PULLMAN CAR AT MCCORMICK-STILLMAN PARK IS NOW LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

Presentations/Information Updates

Approval of Minutes

REGULAR MEETINGS

- OK – 7/0

August 24, 2009

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

***August 25, 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 – SCOTT CALEV EXPRESSED CONCERN ABOUT THE AIRPORT ADVISORY COMMISSION’S RECOMMENDATION TO INCREASE THE AIRPORT TAKE-OFF LIMITS TO 100,000 POUNDS; JOHN WASHINGTON SAID RESIDENTS ARE ASKING WHY THE SCOTTSDALE AREA CHAMBER OF COMMERCE DID NOT FORM A POLITICAL ACTION COMMITTEE PRIOR TO PARTICIPATING IN THE CITY’S ELECTION PROCESS; GEORGE KNOWLTON SPOKE AGAINST COUNCILMEMBERS, CHARTER OFFICERS, APPOINTED OFFICIALS, AND CITY STAFF BEING AFFILIATED WITH THE SCOTTSDALE AREA CHAMBER OF COMMERCE; LISA HASKELL REPORTED THAT A NEW ADULT-ORIENTED RETAIL BUSINESS MAY BE RELOCATING TO THE SOUTHERN AREA OF THE CITY; LEON SPIRO PRESENTED THREE CITIZEN PETITIONS REQUESTING: 1) ALL CITY COUNCIL REPORTS AND DOCUMENTS REQUIRED FOR AGENDAS BE PUBLISHED 10 DAYS PRIOR TO MEETINGS; 2) THE CITY MANAGER DIRECT ALL STAFF TO ANSWER CITIZEN INQUIRIES WITHIN FIVE WORK DAYS; AND 3) INFORMATION RELATED TO ABANDONMENT INTERESTS REGARDING WINDROSE ESTATES.

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.**

Announcement of 2009 Downtown Task Force Appointment

Announce Councilman Tony Nelssen’s appointment of Susan Wheeler to the 2009 Downtown Task Force

CONSENT AGENDA ITEMS 1-13

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. **TT Roadhouse Liquor License (52-LL-2009) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.
Location: 2915 N. 68th Street
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

2. **Tutto Cucina/Tapas Papa Fritas Liquor License (53-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: 7114 E. Stetson Drive, Suite 110
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

CONSENT AGENDA

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- 3. Thai House on Shea Liquor License (54-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: 6949 E. Shea Boulevard, Suite 130
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
- 4. Coffey Heliport Conditional Use Permit (12-UP-2009) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8058** approving a Conditional Use Permit for an off-airport heliport on an existing aircraft staging area and finding that the conditional use permit criteria have been met.
Location: 7430 E. Butherus Drive
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
- 5. Enterprise Rent-A-Car Conditional Use Permit (21-UP-2009) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8060** approving a Conditional Use Permit for automobile renting or leasing and finding that the conditional use permit criteria have been met.
Location: 10301 N. Scottsdale Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
- 6. RnR Restaurant In-Lieu Parking Request (2-IP-2009) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8059** approving the request for the purchase of 21 in-lieu parking credits and finding that the criteria for in-lieu parking for the property has been met.
Location: 3737 N. Scottsdale Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
- 7. Intergovernmental Agreement with Scottsdale Unified School District to Provide School Resource Officers – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8052** authorizing Intergovernmental Agreement No. 2007-128-COS-A2 between the City and the Scottsdale Unified School District to provide Scottsdale Police Officers to serve as School Resource Officers.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
- 8. Intergovernmental Agreement with Cave Creek Unified School District to Provide School Resource Officers – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8053** authorizing Intergovernmental Agreement No. 2009-135-COS between the City and the Cave Creek Unified School District to provide Scottsdale Police Officers to serve as School Resource Officers.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
- 9. Airport Security Lighting Construction Bid Award – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8056** authorizing Construction Bid Award No. 09PB071 to AJP Electric, Inc., the lowest responsive bidder, in the amount of \$239,950 for construction of the airport security lighting project.
Staff Contact(s): Harold Stewart, Executive Managing Director, Economic Vitality, 480-312-2311, hstewart@scottsdaleaz.gov

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10. **Intergovernmental Agreement with the Arizona Department of Transportation for Crosscut Canal Improvements – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7910** authorizing Intergovernmental Agreement No. 2009-024-COS with the Arizona Department of Transportation to fund a construction contract for a multi-use path and pedestrian bridge along the Crosscut Canal from Thomas to Indian School roads.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
11. **Job Order Contract Modification for Citywide Paving, Concrete and Storm Drain Projects – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8041** authorizing Contract Modification No. 2007-143-COS-A2 with Banicki Construction for citywide paving, concrete and storm drain construction.
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
12. **Good Guys Car Show WestWorld Facility Use Agreement – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8062** authorizing Contract No. 2009-139-COS with Goodguy Enterprises Inc., to use WestWorld facilities for four years for the Good Guys Car Show.
Staff Contact(s): Harold Stewart, Executive Managing Director, Economic Vitality, 480-312-2311, hstewart@scottsdaleaz.gov
13. **City Clerk Contract Extension – APPROVED ON CONSENT**
Request: Extend the City Clerk's contract at the same terms and conditions.

REGULAR AGENDA ITEMS 14-14A

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.**

14. **Update on the American Recovery and Reinvestment Act and Application Request – BRIDGET SCHWARTZ-MANOCK PRESENTATION**
Presentation, discussion, and possible direction to staff regarding federal stimulus funds and applications for a transportation construction grant.
Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov
- ***14A. **Waiver of Attorney Client Privilege Regarding City Treasurer Legal Advice – MOTION TO WAIVE ATTORNEY CLIENT PRIVILEGE – OK – 7/0**
Request: At the request of Councilman Ecton, discussion and possible action to waive the attorney client privilege regarding the legal advice given about the City Treasurer job description(s), potential duties, and recruitment.

- ***15. McDowell Sonoran Preserve Agreement Discussion Points –**
MOTION TO DIRECT STAFF TO DRAFT GUIDELINES SETTING FORTH THE RESPONSIBILITIES BETWEEN THE MCDOWELL SONORAN PRESERVE COMMISSION AND THE MCDOWELL SONORAN CONSERVANCY
- AMENDED MOTION TO DIRECT STAFF TO DIRECT GUIDELINES SETTING FORTH THE RESPONSIBILITIES BETWEEN THE MCDOWELL SONORAN PRESERVE COMMISSION AND THE MCDOWELL SONORAN CONSERVANCY WITH ADDITIONAL PROVISIONS THAT COMMISSIONERS SHALL NOT OVERLAP MEMBERSHIP ON BOTH THE MCDOWELL SONORAN PRESERVE COMMISSION AND MCDOWELL SONORAN CONSERVANCY; NO BODY SHALL EXERCISE OVERSIGHT OR CONTROL OVER THE OTHER BODY; VOLUNTEER GROUPS ARE TO COORDINATE THROUGH THE MCDOWELL SONORAN CONSERVANCY**
- SUBSTITUTE MOTION TO ACCEPT THE RECOMMENDATIONS OF THE MCDOWELL SONORAN PRESERVE COMMISSION REGARDING THE MEMORANDUM OF UNDERSTANDING WITH THE MCDOWELL SONORAN CONSERVANCY, REMOVING REFERENCE OF THE MCDOWELL SONORAN PRESERVE COMMISSION HAVING ADMINISTRATIVE OR CONTRACTUAL OBLIGATIONS WITHIN THE MEMORANDUM OF UNDERSTANDING, AND GRANTING PRIMARY RIGHTS TO THE MCDOWELL SONORAN CONSERVANCY FOR VOLUNTEER TRAINING OPERATIONS – OK – 4/3 (WE, SK, RM)**
- Request:** Review, discuss, and provide possible direction to staff on the Discussion Points submitted by the McDowell Sonoran Conservancy for a potential agreement with the City regarding operation and maintenance assistance for the Preserve.
- Staff Contact(s):** Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov
- 16. Channel 11 Programming Commission – MOTION TO ADOPT ORDINANCE NO. 3868 – OK – 7/0**
Request: Discussion and possible adoption of **Ordinance No. 3868** embodying recommendations set out in the Mayor's Channel 11 Advisory Committee Report and establishing a Channel 11 Programming Commission.
- Staff Contact(s):** Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov
- ***17. City Treasurer Recruitment – MOTION TO ADOPT THE CITY TREASURER’S JOB DESCRIPTION APPROVED BY THE AUDIT COMMITTEE – OK – 4/3 (WE, SK, RM)**
Request: Discussion and possible action on the City Treasurer job description.
- Staff Contact(s):** Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov
- 18. Interim City Attorney Appointment Process – AGENDIZE, AS SOON POSSIBLE, A DISCUSSION AND POSSIBLE ACTION ON A LIST OF CANDIDATES**
Request: At the request of Councilman Ecton, discussion and possible action to establish a process for the appointment of an Interim City Attorney.
- ***19. Scottsdale City Lobbyist Ordinance – COUNCIL SUGGESTED THAT THE CITY MANAGER/CITY CLERK OFFICES REVIEW THE CITY OF PHOENIX LOBBYIST HANDBOOK AND DRAFT AN ORDINANCE FOR COUNCIL DISCUSSION**
Request: At the request of Councilman Nelssen, discussion and possible direction to staff to draft a Scottsdale City Lobbyist Ordinance.

Public Comment – BRIAN READY SPOKE IN SUPPORT OF THE AIRPORT ADVISORY COMMISSION’S RECOMMENDATION TO INCREASE THE AIRPORT’S TAKE-OFF WEIGHT LIMITS TO 100,000 POUNDS.

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Mayor and Council Items – NONE

Adjournment – 9:19 PM