

SCOTTSDALE

CITY COUNCIL MEETING



***** AMENDED *** MEETING NOTICE AND AGENDA (ADDED 4 PM SPECIAL MEETING; ADDED CONSENT AGENDA ITEM No. 14A, CONTINUED REGULAR ITEM No. 15; ADDED MAYOR AND COUNCIL ITEM No. 18]**

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, September 22, 2009

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

MARKED AGENDA

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. 1 for discussion or consultation with one or more members of the City Attorney's Office, and with the City Manager and his designees, to consider the City's position and instruct its representatives regarding negotiations for the purchase of real property and for discussion or consultation for legal advice with one or more members of the City Attorney's Office. A.R.S. §38-431.03(A)(3) and (A)(7).

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:05 PM**

Roll Call – **ALL PRESENT**

1. **Preserve Acquisition Strategy and Direction** - AMENDED MOTION TO DIRECT STAFF TO PROCEED WITH FILING APPROPRIATE APPLICATION(S) WITH THE ARIZONA STATE LAND DEPARTMENT TO BEGIN THE PROCESS OF ACQUIRING A MINIMUM OF 1,930 ACRES OF STATE TRUST LAND FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE – FAILED – 2/5 (LB,WE,SK,JL,RM)

MOTION TO ACCEPT THE McDOWELL SONORAN PRESERVE COMMISSION'S STRATEGIC CONSIDERATION FOR THE McDOWELL SONORAN PRESERVE (PRESERVE ACQUISITION STRATEGY); AND TO DIRECT STAFF TO PROCEED WITH FILING APPROPRIATE APPLICATION(S) WITH THE ARIZONA STATE LAND DEPARTMENT TO BEGIN THE PROCESS OF ACQUIRING A MINIMUM OF 1,930 ACRES OF STATE TRUST LAND FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE – OK – 6/1 (LB)

At the request of Mayor Lane:

1. Accept the McDowell Sonoran Preserve Commission's Strategic Considerations for the McDowell Sonoran Preserve (Preserve Acquisition Strategy).
2. Direct staff to proceed with filing appropriate applications(s) with the Arizona State Land Department to begin the process of acquiring a minimum of 1,930 acres of State Trust Land for inclusion in the McDowell Sonoran Preserve.

Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, dichert@scottsdaleaz.gov

Adjourn Special Meeting – **4:58 PM**



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).

5:00 P.M.
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. 16 to discuss and consider employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the City Manager, 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 – **5:15 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance - **BROWNIE TROOP 938 – LAGUNA SCHOOL**

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

City Manager's Report - **NONE**

Presentations/Information Updates – **MAYOR LANE PROCLAIMED OCTOBER AS McDOWELL SONORAN PRESERVE MONTH AND ANNOUNCED THAT THE COUNCIL WOULD BE MEETING ON THURSDAY, OCTOBER 15TH AT THE PRESERVE GATEWAY FOR A MAYOR AND COUNCIL BREAKFAST TO DISCUSS PRESERVE ISSUES. MAYOR LANE PRESENTED THE VALLEY FORWARD CRESCORDIA AWARD, RECEIVED BY THE CITY FOR THE PRESERVE GATEWAY, TO DR. ART DeCABOOTER, THE CURRENT CHAIR OF THE McDOWELL SONORAN PRESERVE COMMISSION. MAYOR LANE AND COUNCILMAN NELSSSEN NOTED THE PASSING OF SCOTTSDALE'S LONGEST SURVIVING RESIDENT, DOC CAVALLIERE.**

Public Comment - **MICHAEL FERNANDEZ SPOKE ABOUT THE SCOTTSDALE AREA CHAMBER OF COMMERCE CAMPAIGN FINANCE COMPLAINT AND STATED HIS OPPOSITION TO COUNCILMEMBERS SERVING ON THE CHAMBER'S PUBLIC POLICY REVIEW COMMITTEE. R.L. WHITMER PRESENTED TWO CITIZEN PETITIONS: 1) REQUESTING THE COUNCIL DIRECT THE CITY MANAGER TO WITHDRAW FROM THE CHAMBER OF COMMERCE PARTNER'S COUNCIL AND REQUEST A REFUND OF DUES FROM THE LAST TWO YEARS; AND 2) REMOVE MEMBERS OF THE EXECUTIVE COMMITTEE WHO WERE INVOLVED DURING THE CAMPAIGN. ROBBIE HENDERSON ASKED THE COUNCIL TO CONSIDER AN ALTERNATE PROPOSAL FOR REGULATING PEDI CABS AND RICKSHAWS AND PRESENTED A DRAFT ORDINANCE.**

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 1-14A**

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.

CONSENT AGENDA

Tuesday, September 22, 2009
Page 3 of 7

1. **Harvest Restaurant Liquor License (55-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: 7615 E. Pinnacle Peak Road, Suite B-1
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
2. **Barro's Pizza Liquor License (56-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: 20701 N. Scottsdale Road, Suite 101
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
3. **Scratch Pastries Liquor License (57-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: 7620 E. Indian School Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
4. **America Marketplace Liquor License (58-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: 6802 E. Thomas Road
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
5. **Tavern Grille Scottsdale Liquor License (59-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: 8880 E. Via Linda, Suite 106
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
6. **Acua Liquor License (60-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: 7144 E. Stetson Drive, Suite 250
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
7. **Regions Restaurant Liquor License (61-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: 9343 E. Shea Boulevard, Building B, Suites 1, 2 and 3
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, September 22, 2009
Page 4 of 7

8. **Settlement of City of Scottsdale v. Jackson Properties, Inc. and Jackson Properties HOA, Inc. -- APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8065** authorizing Agreement No. 2009-142-COS accepting the amount of \$10,000 in settlement of the lawsuit entitled *City of Scottsdale v. Jackson Properties, Inc. and Jackson Properties HOA, Inc.*, Cause No. CV2009-013261, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Luis Santaella, Assistant City Attorney, 480-312-2405, lsantaella@scottsdaleaz.gov
9. **Arizona Criminal Justice Commission Full-Service Forensic Crime Laboratory Program Grant -- APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8042** approving Contract No. 2009-127-COS accepting an Arizona Criminal Justice Commission Full-Service Forensic Crime Laboratory Grant in the amount of \$112,000 to enhance the Scottsdale Police Department Crime Laboratory; and authorizing the transfer of \$112,000 from the adopted FY 2009/10 Future Grant Budget to the center assigned to record all of the grant activity.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1901, arodbell@scottsdaleaz.gov
10. **Governor's Office of Highway Safety Grant – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8064** authorizing Contract No. 2009-141-COS with the Arizona Governor's Office of Highway Safety to accept a grant in the amount of \$30,000 for "Click it or Ticket" seat belt enforcement overtime and employee related costs; and authorizing the transfer of \$30,000 from the adopted FY 2009/10 Future Grant Budget to the center assigned to record all of the grant activity.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1901, arodbell@scottsdaleaz.gov
11. **Intergovernmental Agreement with Fort McDowell Yavapai Nation for Acceptance of Proposition 202 Funds – APPROVED ON CONSENT**
Requests:
 1. Adopt **Resolution No. 8050** authorizing Intergovernmental Agreement No. 2009-134-COS with the Fort McDowell Yavapai Nation to accept \$85,000 in Proposition 202 Tribal Gaming funds; and authorizing a budget transfer of \$85,000 from the FY 2009/10 Future Grants Budget to the center assigned to record all the grant activity.
 2. Adopt **Resolution No. 8069** authorizing Contract No. 2009-033-COS-A1 with the Scottsdale Convention and Visitors Bureau for destination marketing services.**Staff Contact(s):** Harold Stewart, Economic Vitality General Manager, 480-312-2311, hstewart@scottsdaleaz.gov
12. **City Tax Code Amendment – APPROVED ON CONSENT**
Requests:
 1. Adopt **Resolution No. 8055** declaring that certain document entitled "Amendment to Appendix C of the Scottsdale Revised Code Privilege and Excise Taxes" to be a public record.
 2. Adopt **Ordinance No. 3867** amending the City Tax Code, Appendix C of the Scottsdale Revised Code, to implement changes to Sections 415, 416, and 417 clarifying the development and impact fee exemptions as incorporated in Arizona Revised Statute 42-6004; implementing changes to Section 450 to provide a technical correction exempting the leasing of solar energy devices; implementing changes to Section 570 to allow more than one extension for taxpayers to file protests; and implementing changes to Regulation 350.3 to provide a technical correction to recordkeeping for "out-of-state sales."**Staff Contact(s):** Scott McCarty, Financial Management Managing Director, 480-312-7582, smccarty@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, September 22, 2009
Page 5 of 7

13. [Scottsdale Road Utility Corridor Agreement with Arizona Public Service](#) – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8049** authorizing Agreement No. 2009-133-COS with Arizona Public Service Company to establish and maintain a protected underground utility corridor for converted 69kV power lines.
Staff Contact(s): Dan Worth, Managing Executive Director, Public Works, 480-312-5555, dworth@scottsdaleaz.gov
14. [Occupational Medical Treatment and Employment-Related Medical Evaluation Testing Services Agreement](#) – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8067** authorizing the Mayor to execute Contract No. 2009-143-COS with Scottsdale Healthcare Corporate Health for a one-year period, with four one-year extensions, to provide non-emergency medical treatment for work-related injury (workers' compensation) and employment-related medical testing physical examinations for a cost not to exceed \$250,000 annually.
Staff Contact(s): La Verne Parker Diggs, Human Resources Managing Executive Director, 480-312-2615, lparkerdiggs@scottsdaleaz.gov
- ***14A. [Urban Area Security Initiative Grant](#) – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8071** authorizing Contract No. 2009-144-COS between the City and the Arizona Department of Homeland Security to accept a grant in the amount of \$500,000 for chemical, biological, radiological, nuclear, and explosive (CBRNE) response enhancements to the Police and Fire departments; and authorizing a budget transfer of \$500,000 in the FY 2009/10 Future Grants Budget to the assigned center(s) to record all grant related activities.
Staff Contact(s): Alan Rodbell, Police Chief, 480-312-1900, arodbell@scottsdaleaz.gov; William L. McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov

Regular Agenda begins on the following page

REGULAR AGENDA ITEMS 15-16

Tuesday, September 22, 2009
Page 6 of 7

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.**

- ***15. [Troon Highlands Estates Abandonment \(7-AB-2007\)](#) – MOTION TO CONTINUE TO OCTOBER 20, 2009 – OK – 7/0
Request: Continue to October 20, 2009
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Managing Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov
16. **City Manager Evaluation – MOTION TO EXTEND THE CITY MANAGER’S EMPLOYMENT WITH THE INTENT TO REVISIT THE REVIEW WITHIN NINETY (90) DAYS – OK – 4/3 (LB,JL,RL)**
Request: Discuss, consider and take possible action regarding the employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the City Manager.

Mayor and Council Items begin on the following page

17. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for October 13, 2009)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Board of Adjustment (two vacancies) – **TERRY KUHSTOSS, MONICA LINDSTROM, ERWIN “FLIP” WEBER**

Building Advisory Board of Appeals (two vacancies) – **ROBERT RAWSON, DAVID VALENCIA, ROGER VERMILLION**

Environmental Quality Advisory board (three vacancies) – **KEVIN EDWARDS, BILL GILL, TED LUTHER, FLOYD MARSH, JAMES McCAY, SALVADOR VENEGAS**

Historic Preservation Commission (one vacancy) – **ROBERT COOK, TERRI ROJNA-ASH**

Housing Board (two vacancies) – **FRED SHAPIRO, NICHOLAS THOMAS, JOAN ZIMMERMAN**

Neighborhood Enhancement Commission (two vacancies) – **MELISSA FEDOCK, MARC GRAYSON, DEBRA OTT, TIMOTHY SHERRY**

Personnel Board (one vacancy) – **BILL AMATO, JUNE COHEN, JOHN TUTELMAN**

Planning Commission (one vacancy) – **MICKEY CAMPBELL, FREDERICK DAVIDSON, MARC GRAYSON, JAMES HEITEL, JAY PETKUNAS, DAVID VERWER**

Public Safety Personnel Retirement Board (one vacancy) – **JEFFREY BURG**

Tourism Development Commission (three vacancies) – **RICHARD BIBEE, ANTONIO FUNGAIRINO, MICHAEL HOFFMAN, WALI NABI, DAVID RICHARD, MIKE SURGUINE**

*****18. Appointment of Interim City Attorney – MOTION TO TAKE NO ACTION – OK – 7/0**

Request: Discuss, consider and possibly appoint the following applicant as Interim City Attorney: Clifford Mattice

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.**

Mayor and Council Items

- **COUNCILMAN ECTON ASKED TO HAVE AN ITEM PLACED ON THE AGENDA TO DISCUSS AND POTENTIALLY TAKE ACTION TO CONTINUE USING THE THREE DEPUTY CITY ATTORNEYS TO PERFORM INTERIM CITY ATTORNEY DUTIES.**
- **COUNCILWOMAN BOROWSKY ASKED TO ADD AN ITEM TO THE PUBLIC AGENDA TO DISCUSS THE PIMA ROAD IMPROVEMENTS AND NEGOTIATIONS WITH THE SALT RIVER PIMA MARICOPA INDIAN COMMUNITY, WHICH THE COUNCIL PREVIOUSLY DISCUSSED IN EXECUTIVE SESSION.**
- **COUNCILMAN LITTLEFIELD ASKED THAT THE SCOPE OF COUNCILMAN ECTON’S REQUEST BE EXPANDED TO INCLUDE CONSIDERATION OF HIRING AN OUTSIDE ATTORNEY TO SERVE AS INTERIM CITY ATTORNEY, WITH LANGUAGE BROAD ENOUGH TO DISCUSS THE ENTIRE QUESTION OF WHETHER THE COUNCIL WANTS SOMEONE FROM THE INSIDE, THE OUTSIDE, OR NO ONE AT ALL.**

Adjournment – 8:02 PM