

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

[ADDED CONSENT AGENDA ITEM No. 10A]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, October 6, 2009

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:02 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **DAISY GIRL SCOUT TROOP No. 1618**

Invocation – **PASTOR DEREK VAN DALEN, PALM LANE CHRISTIAN REFORMED CHURCH**

City Manager's Report – **MR. LITTLE REPORTED THAT THE INTERSECTION IMPROVEMENTS AT SHEA AND HAYDEN ARE COMPLETE, THEREBY INCREASING TRAFFIC CAPACITY, TRAFFIC SAFETY AND PEDESTRIAN SAFETY. HE THANKED CITY EMPLOYEES FOR THEIR QUICK RESPONSE IN ASSISTING A RESIDENT BY INSTALLING AN AUDIBLE SAFETY DEVICE AT A TRAFFIC CROSSING. THE CITY'S CDBG PROGRAM PASSED A US DEPARTMENT OF HOUSING URBAN AND DEVELOPMENT MONITORING REVIEW WITH A POSITIVE RATING.**

Presentations/Information Updates

Approval of Minutes - **OK – 7/0**

REGULAR MEETINGS
[September 8, 2009](#)

SPECIAL MEETINGS
[September 8, 2009](#)
[September 15, 2009](#)

WORK STUDY SESSIONS
[September 15, 2009](#)

EXECUTIVE SESSIONS

Public Comment – **R.L. WHITMER PRESENTED A CITIZEN PETITION ASKING THE COUNCIL TO DIRECT THE CITY MANAGER TO INVESTIGATE IN-LIEU PROPERTY TAX PAYMENTS MADE TO AIRPORT AND WATER ENTERPRISE FUNDS BY THE CITY. DARLENE PETERSEN EXPRESSED DISAPPOINTMENT REGARDING COUNCIL ACTIONS DURING RECENT INTERIM CITY ATTORNEY DISCUSSIONS.**

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 1-10A

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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. [Oakville Grocery Liquor License \(62-LL-2009\)](#) – APPROVED ON CONSENT
 Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) liquor license for a new location and owner.
 Location: 15015 N. Scottsdale Road, Suite D1-101
 Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

2. [Tottie's Asian Fusion 2 Liquor License \(63-LL-2009\)](#) – 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: 6204 N. Scottsdale Road, Suite 106
 Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

3. [Grapes Pizza Wine Bar Cuisine Liquor License \(64-LL-2009\)](#) – APPROVED ON CONSENT
 Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location with a new owner.
 Location: 7337 E. Shea Boulevard, Suite 105
 Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

4. [Brackin's Bar Liquor License \(65-LL-2009\)](#) – 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: 7320 E. Scottsdale Mall
 Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, drichtert@scottsdaleaz.gov

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5. **Health and Fitness Studios Text Amendment (3-TA-2009)** – MOTION TO APPROVE – OK – 7/0
Requests:
 1. Adopt **Resolution No. 8075** declaring the document entitled “Health and Fitness Studios Text” to be a public record.
 2. Adopt **Ordinance No. 3869** affirming the health and studios text amendment. The proposed amendment eliminates the use permit requirement for fitness facilities in commercial zones and expands the gymnasium use in the Industrial Park District (I-1) to include a broader range of recreational uses.**Staff Contact(s):** David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, dichert@scottsdaleaz.gov

6. **Intergovernmental Agreement for Participation in the State Gang Task Force** –
APPROVED ON CONSENT
Request: Adopt **Resolution No. 8077** authorizing Intergovernmental Agreement No. 2009-147-COS with the State of Arizona, Department of Public Safety, for participation in the State Gang Task Force.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

7. **Desert Discovery Center Capital Project and Budget Transfer** – MOTION TO APPROVE THE
**CREATION OF A NEW CAPITAL PROJECT, AND ADOPT RESOLUTION NO. 8079 AUTHORIZING A CAPITAL
BUDGET TRANSFER OF \$500,000 FROM THE PRESERVE TAX FUND TO THE NEWLY CREATED DESERT
DISCOVERY CENTER CIP PROJECT – OK – 5/2 (RL, TN)**
Requests:
 1. Authorize the creation of a new capital project entitled “Desert Discovery Center” to initiate the consultant selection process to complete Phase Two of the Feasibility Study for the proposed Desert Discovery Center at the Gateway to the McDowell Sonoran Preserve, as recommended by the Tourism Development Commission and McDowell Sonoran Preserve Commission.
 2. Adopt **Resolution No. 8079** authorizing a capital budget transfer of \$500,000 from the General Government CIP Contingency to the newly created Desert Discovery Center CIP project.**Staff Contact(s):** Harold Stewart, Economic Vitality General Manager, 480-312-2311, hstewart@scottsdaleaz.gov

8. **Public Safety Microwave Radio System** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8070** approving the purchase of microwave radio equipment and services for use in the public safety radio system in the amount of \$2,000,712 from Harris Stratex Networks, Inc., using the Western States Contracting Alliance multi-state contract.
Staff Contact(s): Brad Hartig, Information Technology Executive Director, 480-312-7615, bhartig@scottsdaleaz.gov

9. **Architectural Services Contract for the Major North Community Access Area Trailhead**
– APPROVED ON CONSENT
Request: Adopt **Resolution No. 8063** authorizing Architectural Services Contract No. 2009-140-COS with Fucello Architects, in the amount of \$317,478, to design and prepare construction plans for the Major North Community Access Area Trailhead amenities in the McDowell Sonoran Preserve.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

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10. [Code Amendment Establishing the Minimum Number of Signatures Required for Scottsdale Mayoral and Council Candidate Nomination Petitions](#) – **APPROVED ON CONSENT**
Request: Adopt **Ordinance No. 3866** amending the Scottsdale Revised Code to add Section 2-6, which establishes the minimum number of signatures required for a candidate for the Office of Mayor or Council at 1,000 or five percent of the vote of the City, whichever is less, but not more than 10 percent of the vote in the City.
Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

- ***10A. [Interim City Treasurer Employment Agreement](#) –
MOTION TO CONTINUE ITEM 10A UNTIL SUCH TIME THE CITY MANAGER AND INTERIM CITY TREASURER ADVISE THAT THEY ARE IN AGREEMENT AS TO THE JOB DUTIES FOR THE INTERIM CITY TREASURER – FAILED 3/4 (JL, LB, RL, TN)

MOTION TO ADOPT RESOLUTION No. 8092 APPROVING CONTRACT No. 2009-152-COS – OK – 4/3 (WE, SK, RM)
Request: Adopt **Resolution No. 8092** approving Contract No. 2009-152-COS between the City and David N. Smith, for the position of Interim City Treasurer, and authorizing the Mayor to execute said agreement on behalf of the City.
Staff Contact(s): Tim La Sota, Mayor’s Chief of Staff, 480-312-7806, tlasota@scottsdaleaz.gov

REGULAR AGENDA ITEM 11

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.**

11. [Mescal Trail Right-of-Way Acquisition](#) – **MOTION TO ADOPT RESOLUTION No. 7961 – FAILED – 3/4 (JL, WE, SK, RM)**
Request: Adopt **Resolution No. 7961** authorizing acquisition of public trail easements along the public utility easement between Mescal Park and Cactus Road.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

Mayor and Council Items begin on the following page

12. **Citizen Petition Requesting Information Regarding the Windrose Estates Development**
– COUNCIL DIRECTED STAFF TO PROVIDE AN ANSWER TO QUESTION NO. 1, NO ACTION TAKEN ON QUESTIONS 2 AND 3
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to provide answers to Windrose Estates Development project-related questions. The petition was submitted by Mr. Leon Spiro at the September 8, 2009 City Council Meeting.
13. **Citizen Petition Requesting the City Manager Direct Staff to Reply to Citizen Inquiries Within Five Business Days** – COUNCIL DIRECTED STAFF TO PROVIDE MR. SPIRO WITH A VERBATIM TRANSCRIPT OF CITY MANAGER REMARKS AND A COPY OF THE COUNCIL MEETING RECORDING
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to direct the City Manager to direct staff to provide replies to all questions presented by a citizen within five working days. The petition was submitted by Mr. Leon Spiro at the September 8, 2009 City Council Meeting.
14. **Citizen Petition Requesting Public Access to Council Agenda Materials Ten Days Prior to Meetings** – MOTION TO AGENDIZE THE PETITION FOR COUNCIL DISCUSSION – OK – 4/3 (JL, LB, RL)
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to direct staff to provide the Council and the public access to all Council reports, and other supporting documents required for Council agenda items, no less than ten days prior to the meeting. The petition was submitted by Mr. Leon Spiro at the September 8, 2009 City Council Meeting.

Public Comment – NONE

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Mayor and Council Items – COUNCILMAN NELSEN ASKED TO AGENDIZE A DISCUSSION, AND POSSIBLE ACTION, FOR PROVIDING ADEQUATE CONNECTIVITY TO MESCAL PARK

Adjournment – 9:08 PM