

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

[REWORDED CONSENT AGENDA ITEM No. 8 AND ADDED CONSENT AGENDA ITEM No. 9A]

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Tony Nelssen

Tuesday, October 20, 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 – BROWNIE TROOP No. 1140

Invocation – DEACON CLEM CZAPINSKI, BLESSED SACRAMENT CATHOLIC CHURCH

City Manager's Report – MR. LITTLE READ EXCERPTS FROM A CITIZEN LETTER HIGHLIGHTING THE PERFORMANCE OF ONE STOP SHOP EMPLOYEES FOR EXCELLENT CUSTOMER SERVICE.

Presentations/Information Updates

Approval of Minutes

- OK – 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

JOINT MEETINGS

EXECUTIVE SESSIONS

[September 22, 2009](#)

[September 22, 2009](#)

[September 29, 2009](#)

[September 29, 2009](#)

Public Comment – LISA HASKELL SUGGESTED THAT A FARMER'S MARKET, A COMMUNITY GARDEN, AND THE PRESENCE OF BARRETT-JACKSON ALONG MOTOR MILE MAY HELP REVITALIZE THE SOUTHERN AREA OF THE CITY. MICHAEL FERNANDEZ EXPRESSED CONCERN ABOUT COUNCILWOMAN KLAPP'S AND COUNCILMAN McCULLAGH'S MEMBERSHIP WITH THE SCOTTSDALE CHAMBER OF COMMERCE.

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 1-9A

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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.

- Harvest Restaurant Conditional Use Permit (25-UP-2009) – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8080** approving a Conditional Use Permit for sale of alcoholic beverages as an accessory use in a restaurant in a Neighborhood Commercial (C-1) zoning district and finding that the conditional use permit criteria have been met.
Location: 7615 E. Pinnacle Peak Road, Suite B1
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, dichert@scottsdaleaz.gov
- Replat of Lot 27 in Sereno Canyon (22-PP-2005#2) – APPROVED ON CONSENT**
Request: Approve a replat of Lot 27 in the Sereno Canyon Subdivision.
Location: 24985 N. 125th Place
Staff Contact(s): David Richert, Planning, Neighborhood, and Transportation Executive Director, 480-312-2890, dichert@scottsdaleaz.gov
- Airport Miscellaneous Pavement Reconstruction Project Bid Award – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8073** authorizing Construction Bid Award No. 09PB074 to Visus, Inc., the lowest responsive bidder, in the amount of \$173,000 for construction of the Airport Miscellaneous Pavement Reconstruction Project.
Staff Contact(s): Harold Stewart, Executive Director, Economic Vitality, 480-312-2311, hstewart@scottsdaleaz.gov
- Intergovernmental Agreement with the Arizona Department of Transportation for Street Improvements – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8040** authorizing Intergovernmental Agreement No. 2009-125-COS with the Arizona Department of Transportation to reimburse the City in the amount of \$4,600,000 for design and construction of various street mill and overlay projects.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

CONSENT AGENDA

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5. **Intergovernmental Agreement with the Arizona Department of Transportation for Traffic Signal Replacement** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8084** authorizing Intergovernmental Agreement No. 2009-150-COS with the Arizona Department of Transportation to reimburse the City in the amount of \$439,633 for the purchase and installation of traffic signal controllers.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

6. **Outdoor Dining Lease Agreements on the Scottsdale Civic Center Mall** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8054** authorizing Lease Replacement Agreement No. 1997-176-COS-A1 with AZ87 Corporation for an outdoor dining patio at AZ88 Restaurant, and Lease Agreement No. 2009-136-COS with 7353 Scottsdale Mall LLC.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

7. **Civic Center Neighborhood Center Fire Sprinkler Design and Installation Construction Bid Award** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8072** authorizing Construction Bid Award No. 10PB006 to Complete Fire Protection, the lowest responsive bidder, in the amount of \$41,909 for fire sprinkler design and installation in Building No. 1 at the Civic Center Neighborhood Center.
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

- ***8. **Regional Wireless Cooperative for Public Safety Communications** – MOTION TO ADOPT **RESOLUTION No. 8089 – OK – 7/0**
Request: Adopt **Resolution No. 8089** to:
 1. Authorize the City to enter into Intergovernmental Agreement No. 2009-151-COS and thereby join the Regional Wireless Cooperative (RWC), an unincorporated association of municipalities and special taxing districts organized to plan, design, construct, operate, maintain, and finance a regional wireless cooperative public safety radio communications network.
 2. Approve a change order to Motorola Contract No. 2008-148-COS in the amount of \$506,000 to fund City and RWC software upgrades subject to the RWC reimbursing the City for the RWC system costs.**Staff Contact(s):** Brad Hartig, Information Technology Executive Director, 480-312-7615, bhartig@scottsdaleaz.gov

9. **Scottsdale Stadium Wireless Facility License Agreement** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 8057** authorizing License Agreement No. 2009-137-COS with New Cingular Wireless PCS, LLC, permitting the installation and operation of a wireless site at Scottsdale Stadium.
Location: 7408 E. Osborn Road
Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

CONSENT AGENDA

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*****9A. Intergovernmental Agreement with Salt River Pima Maricopa Indian Community for Acceptance of Proposition 202 Funds – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 8083** authorizing Intergovernmental Agreement No. 2009-149-COS with the Salt River Pima Maricopa Indian Community to accept \$550,000 in Proposition 202 Tribal Gaming funds; and authorizing the transfer of \$550,000 in Future Grants Budget adopted in the FY 2009/10 Grants Budget to the center assigned to record all the grant activity.

Staff Contact(s): Brad Lundahl, Acting Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov

REGULAR AGENDA ITEMS 10-11

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.**

10. Troon Highlands Estates Abandonment (7-AB-2007) – MOTION TO ADOPT RESOLUTION NO. 8066, ADDING THE STIPULATION THAT THERE WILL BE NO PHYSICAL GATE INSTALLED TO BLOCK PEDESTRIAN OR EQUESTRIAN ACCESS – 7/0

Request: Adopt **Resolution No. 8066** vacating and abandoning public rights-of-way located in Troon Highlands Estates in the vicinity of 23397 N. 119th Way.

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

11. City Charter Election Recommendations – MOTION TO DIRECT STAFF TO PREPARE THE APPROPRIATE DOCUMENTS CALLING A SPECIAL ELECTION FOR MARCH 2010 AND PLACING THE FIVE AMENDMENT(S) ON THE BALLOT – OK – 7/0

Request: Presentation, discussion, and possible direction regarding recommendations from the Charter Review Task Force.

1. Review and consider whether to place one or more of the following Charter Review Task Force recommendations on a Special Election Ballot:
 - a. Amend Article 9, Sections 1, 4, 5, 6, and 7, of the City Charter, to change the names of general and run-off elections to primary and general elections, and amend Article 2 Sections 3, 5, 10, and 11 to conform to the amendment.
 - b. Amend Article 9, Section 5, of the City Charter, to change the method for calculating the majority of votes needed for a candidate to be elected at the City's first election (currently called the General Election).
 - c. Amend Article 9, Section 1, of the City Charter, to provide for the ability to forgo the City's first election (currently called the General Election) for a particular office if no more than two candidates file nominating petitions for each vacancy in that office.
 - d. Amend Article 9, Section 8, of the City Charter, to clarify the method for providing notice of a special election.
 - e. Amend Article 10, Section 1, of the City Charter, to clarify the language regarding initiative measures that conflict with the City Charter.
2. Direct staff to prepare the appropriate documents to call a Special Election in 2010 for the purpose of placing the amendment(s) on the ballot, and provide direction on the date for such election.

Staff Contacts: Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov; Sherry Scott, Deputy City Attorney, 480-312-7816, sscott@scottsdaleaz.gov; Brent Stockwell, Senior Advisor, 480-312-7288, bstockwell@scottsdaleaz.gov

12. **Citizen Petition Regarding City Membership in Scottsdale Area Chamber of Commerce**
– MOTION TO AGENDIZE FOR FURTHER DISCUSSION – OK – 5/2 (WE, SK)
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 withdraw from the Chamber of Commerce’s Partner Council and request a refund of membership dues for the last two years. The petition was submitted by Mr. R. Lamar Whitmer at the September 22, 2009 City Council Meeting.
13. **Citizen Petition Regarding Scottsdale Area Chamber of Commerce Executive Committee Members on City Boards, Commissions and Task Forces** **– MOTION TO AGENDIZE FOR FURTHER DISCUSSION – FAILED 3/4 (LB, WE, SK, RM)**
Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to remove members of the Scottsdale Area Chamber of Commerce Executive Committee that had involvement with the Chamber’s illegal electioneering from any and all City boards, commissions and task forces. The petition was submitted by Mr. R. Lamar Whitmer at the September 22, 2009 City Council Meeting.

Public Comment – NONE

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Mayor and Council Items – COUNCILMAN LITTLEFIELD ASKED TO AGENDIZE A PRESENTATION ON THE MARICOPA COUNTY AIR QUALITY PROGRAM**Adjournment – 7:40 PM**