

CONSENT AGENDA ITEMS 1 - 17

Mayor Manross announced that Item 6 would be continued and Item 12 would be removed from the Consent Agenda for separate discussion and action.

1. Desert Mountain Parcel 16 General Plan Amendment and Rezoning

Requests:

1. Approve a non-major General Plan Amendment from Commercial to Urban Neighborhoods on an approximately 14.9-acre parcel located at 10525 N. Desert Hills Drive.
2. Approve rezoning from Central Business District, Environmentally Sensitive Lands (C-2 ESL) to Resort/Townhouse Residential District, Environmentally Sensitive Lands (R-4R ESL).
3. Adopt Resolution No. 6585 affirming the above General Plan Amendment.
4. Adopt Ordinance No. 3597 affirming the above rezoning.

Location: 10525 E. Desert Hills Drive (Southwest corner of Desert Hills Drive and Cave Creek Road)

Reference: 8-GP-2004 and 15-ZN-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Suzanne Colver, Senior Planner, 480-312-7087, scolver@scottsdaleaz.gov

2. Kalarama Apartments Abandonment

Requests:

1. Abandon a fifty-foot wide right-of-way for the 77th Way/Kalarama Avenue cul-de-sac.
2. Dedicate a four-foot wide alley right-of-way.
3. Reserve water line and cable television public utility easements.
4. Adopt Resolution No. 6584 vacating and abandoning a public right-of-way.

Location: 4002 N. Kalarama Avenue

Reference: 16-AB-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Suzanne Colver, Senior Planner, 480-312-7087, scolver@scottsdaleaz.gov

3. Heitel Ranch Conditional Use Permit

Request: Approve a conditional use permit for a Ranch on a 6.2 +/- acre parcel located at 8485 E. Dixileta Drive with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-190 ESL FO) zoning.

Location: 8485 E. Dixileta Drive

Reference: 27-UP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

4. Pfeffer Finishes Conditional Use Permit

Request: Approve a conditional use permit for furniture refinishing on an approximately five-acre parcel located at 8350 E. Evans Road, Suite E-2 with Industrial Park (I-1) zoning.

Location: 8350 E. Evans Road, Suite E-2

Reference: 29-UP-2004

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

5. The Saguaro Forest @ Desert Mountain Phase III, Unit 42 Final Plat

Request: Approve the final plat for 23 single-family lots on 445.65+/- acres, as well as amended development standards.

Location: Chiracahua and 95th Street

Reference: 20-PP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

6. Construction Bid Award for Stetson Drive Utility Relocation

Requests:

1. Authorize Construction Bid Award No. 05PB046 for relocation of utilities into Stetson Drive to Achen-Gardner Engineering, L.L.C., the lowest responsive bidder, at their base bid of \$1,936,142.00.
2. Authorize the use of Arizona Public Service (APS) Aesthetic Funds in the approximate amount of \$400,000 to underground and convert existing overhead power lines in an alley on the Arizona Canal south bank to Stetson Drive between Scottsdale Road to Fifth Avenue.
3. Authorize payment of approximately \$20,000 to Prantco LLC for an eight-foot wide easement along Lot 1 (7088 East Fifth Avenue).
4. Authorize a capital contingency fund transfer in the amount of \$1,100,000 to CIP Account No. P0309 (Downtown Reinvestment).

Related Policies, References: On May 17, 2004, City Council approved Development Agreement No. 2004-034-COS for a South Bank Canal Mixed Use Development and Public Underground Parking Garage.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Bill Peifer, Sr. Project Manager, 480-312-77869, bpeifer@scottsdaleaz.gov

ITEM 6 WAS CONTINUED TO A DATE TO BE DETERMINED—NO ACTION WAS TAKEN.

7. Renewal of Existing Multi-Year Contract for On-call Airport Planning and Engineering Services

Request: Consider authorizing a one-year renewal of Contract No. 2003-161-COS with Gilbertson Associates, Inc. to provide engineering services for Scottsdale Airport.

This contract was originally approved by the City Council for three (3) years on November 3, 2003. The contract requires Airport staff to bring the contract to the City Council each year for renewal. During the first year, the contractor was paid approximately \$383,021 for engineering services rendered for both grant and non-grant funded projects. Of the total paid, an estimated \$30,642 was provided through the Aviation Enterprise fund. The balance was Federal Aviation Administration or Arizona Department of Transportation funding via grants. No City general funds were expended. **Related Policies, References:** Contract No. 2003-161-COS; Scottsdale Procurement Code.

Staff Contact(s): Mary O'Connor, General Manager-Transportation, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

8. Sale of Water Resources Surplus City Property

Adopt Resolution No. 6570 authorizing the sale of Lot 1, Desert Foothills North, Estates Unit Two, Assessor Parcel 211-63-008, located at the northeast corner of 48th Street and the Montgomery Road alignment in Scottsdale, Arizona, to Monica Castro in the amount of \$108,000.

Related Policies, References: Scottsdale Revised Code Section 2-221(a) allows the City to sell property to the highest and best bidder, but the City Council shall have the right to reject any and all bids.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Marshall Brown, Sr. Water Resources Engineer, 480-312-5683, mbrown@scottsdaleaz.gov; Rhonda Thomas, Right of Way Agent, 480-312-7847, rthomas@scottsdaleaz.gov

9. On-Call Engineering Services Contracts for the Design of Storm Water Systems Improvements

Requests:

1. Authorize Engineering Services Contract No. 2004-156-COS with Stanley Consultants, in the amount of \$125,000 for the design of Storm Water Management Systems Improvements.
2. Authorize Engineering Services Contract No. 2004-157-COS with Engineering and Environmental Consultants (EEC), in the amount of \$125,000 for the design of Storm Water Management Systems Improvements.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; William Haas, Storm Water Planner, 480-312-7072, Whaas@scottsdaleaz.gov

10. Intergovernmental Agreement to Provide School Resource Officers

Request: Adopt Resolution No. 6549 authorizing Intergovernmental Agreement (IGA) No. 2004-136-COS with the Cave Creek unified School District for the purpose of providing sworn police officers to serve as school resource officers at one (1) high school and two (2) middle school complexes.

Related Policies, References: The City is authorized to enter into this agreement pursuant to A.R.S. 11-952 and the Scottsdale City Charter, Article 1, 3-1.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5000, arodbell@scottsdaleaz.gov; Anthony Markos, Investigative Services Bureau Lieutenant, 480-312-6309, amarkos@scottsdaleaz.gov

11. **Intergovernmental Agreement (IGA) with the City of Phoenix to Accept Federal Transit Administration (FTA) Grant for the Purchase of Two Trolleys**
Request: Adopt Resolution No. 6594 to authorize the acceptance of IGA #2004-161-COS between the cities of Scottsdale and Phoenix to enable the City to receive reimbursement of eligible expenditures under FTA Grant #AZ-90-X070 for the purchase of two trolleys. The grant was anticipated and included in the adopted capital and operating budgets for fiscal year 2004/05.
Related Policies, References: IGA #2004-161-COS; City Procurement Code; Code of Federal Regulations
Staff Contact(s): Mary O'Connor, General Manager-Transportation, 480-312-2334, moconnor@scottsdaleaz.gov; David Meinhart, Transportation Planning Director, 480-312-7010, dmeinhart@scottsdaleaz.gov; Michael Spletter, Contract and Grant Coordinator, 480-312-7656, mspletter@scottsdaleaz.gov

12. **CM@Risk Contract for Pre-Construction Services for WestWorld Multi-Purpose Exhibit Hall Building**

ITEM 12 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION—SEE PAGE 7.

13. **Required Fire Radio System Infrastructure Improvements**

Requests:

1. Authorize contract # 2004-155-COS with Communication Services Inc. (CSI), in the amount of \$1,354,803, for emergency contractual services required to complete critical design and construction as part of the required radio communication improvements for the municipal Fire Department. This contract includes the design and construction of: five (5) radio sites that require monopole antenna mounts and equipment buildings, one (1) radio site requiring a small antenna and equipment cabinet, modifications to the Civic Center radio site, and installation of radio equipment at a commercial site in Fountain Hills.
2. Authorize a fund transfer in the amount of \$950,000 from the CIP contingency for the additional expenditures on the remaining communications equipment and related expenditures required to complete the Fire Radio System Infrastructure Improvements, at a total estimated project cost of \$2,150,000.

Related Policies, References: Approval by City Council on September 7, 2004 of \$1.2 million to improve radio system infrastructure deficiencies.

Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov;

Willie McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov, Joe Hindman, Police Technology Director, 480-312-5072, jhindman@scottsdaleaz.gov

STAFF WAS DIRECTED TO MAKE IT A PRIORITY FOR NEXT YEAR TO REPAY THE CONTINGENCY FUND MONIES USED FOR THIS EXPENSE. REPAYMENT IS TO BE MADE FROM PUBLIC SAFETY TAX MONIES.

14. **Fire Department Compensation Plan**

Request: Approve the Compensation Plan for the Scottsdale Municipal Fire Department.

Related Policies, References:

Council actions on September 7, 2004 to adopt Ordinance No. 3588 to create a Municipal Fire Department and authorize 256 full-time positions for the Fire Department (in addition to the Fire Chief).

Scottsdale Revised Code 14-22 relating to compensation and authorizing the City Manager to make amendments to the classification and compensation plan.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Joyce Lira, Human Resources Director, 480-312-2690, jlira@scottsdaleaz.gov; Willie McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov

15. Acquisition of Real Property to Facilitate Construction of an Arsenic Treatment Facility

Request: Adopt Resolution No. 6589 authorizing the acquisition of 1,951 square feet of real property with improvements at 15230 N. 75th Street from 15230 N. 75th Street, L.L.C. in the amount of \$75,000, plus closing costs of approximately \$1,500. This parcel will be utilized as part of the future construction of an arsenic removal treatment facility for drinking water.

Related Policies, References:

- a. US Environmental Protection Agency Final Rule reducing the maximum level of arsenic allowed in drinking water dated January 24, 2001.
- b. Water Resources Master Plan, approved by City Council on October 15, 2001.
- c. Engineering Services Contract No. 2004-017-COS with CH2M Hill Consulting Services for the final design of two arsenic removal water treatment facilities, approved by City Council on March 16, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Stanley Seigal, Asset Management Coordinator, 480-312-7042, sseigal@scottsdaleaz.gov; Thyra Ryden-Diaz, P.E., Project Manager, 480-312-4327, tryden-diaz@scottsdaleaz.gov

16. Settlement of Sydney OPC Development, LLC Claim

Request: Consider adopting Resolution No. 6593 authorizing the Mayor to enter into a settlement agreement, Contract No. 2004-154-COS, in the amount of \$80,000, plus the construction of improvements valued at approximately \$25,000, in settlement of Sydney OPC Developments, LLC v. City of Scottsdale, CV2003-021442, in connection with the acquisition by the City of approximately 4,340 square feet of property on Cactus Road for a turn lane.

Related Policies, References: 26-ZN-88; 90-DR-1999#2; CIP S2103

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Bob Johnson, Project Manager, Capital Projects Management, 480-312-7054, rmjohnson@scottsdaleaz.gov

17. Authorize Settlement of lawsuit entitled Polan v. City of Scottsdale

Adopt Resolution No. 6596 authorizing the Mayor to execute Settlement Agreement, Contract No. 2004-164-COS, to settle Polan v. City of Scottsdale CV2002-021038, currently pending in Maricopa County Superior Court.

Related Policies, References: Prior Contract for legal services: Contract No. 970220.

Staff Contact(s): Joseph R. Bertoldo, 480-312-2405, jbortoldo@scottsdaleaz.gov;
Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov;
Michael Mason, Risk Claims Manager, 480-312-7040, mmason@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA ITEMS 1-17

VICE MAYOR LITTLEFIELD MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1-5, 7-11, AND 13-17 (INCLUDING THE DIRECTION GIVEN DURING THE DISCUSSION FOR ITEM 13 THAT STAFF WAS TO MAKE IT A PRIORITY FOR NEXT YEAR TO REPAY THE CONTINGENCY FUND MONIES AUTHORIZED FOR THIS EXPENSE. REPAYMENT IS TO BE MADE FROM PUBLIC SAFETY TAX MONIES). COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED 7-0.

ITEM 12 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

12. CM@Risk Contract for Pre-Construction Services for WestWorld Multi-Purpose Exhibit Hall Building

Request: Authorize CM@Risk Contract No. 2004-001 with Hunt Construction Group in the amount of \$225,252 for pre-construction services for the new WestWorld Multi-Purpose Exhibit Hall Building.

Related Policies, References:

- Development Review Board (Case #41-DR-2003) July 10, 2003 – WestWorld Design Guidelines
- City Council – WestWorld Master Development Plan, March 18, 2003
- Planning Commission (Case # 20-ZN-1995#2) January 28, 2003 – WestWorld Master Development Plan
- Development Review Board (Case #116-DR-93 #2, 3, and 4) May 1994 related to WestWorld entry signage, re-vegetation, and Western Theme Park

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Corey E. Lew, Project Manager, (480) 312-7769, clew@scottsdaleaz.gov

Council discussion focused on:

- Concern regarding the proposed uses for the Exhibit Hall and whether or not they supported equestrian uses.
- The impact construction will have on some of the horse shows (specifically the Scottsdale Arabian Show).

MOTION AND VOTE – ITEM 12

COUNCILMAN ECTON MOVED FOR APPROVAL OF OPTION A IN ITEM 12. COUNCILMAN OSTERMAN SECONDED THE MOTION WHICH CARRIED 6-1, WITH COUNCILMEMBER DRAKE DISSENTING.

REGULAR AGENDA ITEMS 18 - 21

Mayor Manross announced that Item 21 had been withdrawn.