

Related Policies, References: 13-AB-2006; Land Division 9-LS-2002; 25-PP-2004 Atalon Subdivision (formerly known as Redbird 80); General Plan-Community Mobility Element, Trails Plan, Environmentally Sensitive Lands Ordinance
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

11. Eckholm Estates Government Land Office Easement Abandonment

Requests:

1. Abandon the 33-foot Government Land Office (GLO) patent roadway and utility easement along the north property line of Lot 1, Devlin Estates, located at 10550 E. Sunnyside Drive.
2. Adopt Resolution No. 7106 vacating and abandoning public rights-of-way.

Location: 10550 E. Sunnyside Drive

Reference: 22-AB-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Mayor Manross opened public testimony.

Leon Spiro, 7814 E Oberlin Wy, 85262, presented three petitions (Attachment 3), requesting a legal opinion from the Arizona Attorney General on the City's GLO Land Abandonment Policy and the abandonment of all GLO easements not needed for roadway or utility purposes. Mr. Spiro requested a staff presentation for Item No. 11. Mayor Manross explained that staff presentations on Consent Agenda items are done at the request of the Council, noting that no one on the Council had made such a request. Mr. Spiro objected to the request for the GLO roadway abandonment, and asked Council to request an opinion from the Arizona Attorney General.

Mayor Manross closed public testimony.

Councilman Nelssen noted the stipulations for this case are to be satisfied within one year, and asked if that is the standard procedure. Randy Grant explained that the applicant has up to a year to meet the stipulations and finalize the abandonment. If the stipulations are not met, the case will come back to the City Council.

12. 94 Hundred Shea Circulation Stipulations Amendment

Requests:

1. Amend the existing circulation stipulations for case 11-ZN-2002 regarding access to East Shea Boulevard on a 7± acre parcel located at 9325 – 9397 E. Shea Boulevard with Highway Commercial District, Planned Community District (C-3 PCD) zoning.
2. Adopt Ordinance No. 3716 affirming the amended stipulations.

Location: 9325 E. Shea Boulevard

Related Policies, References:

- 11-ZN-2002#2
- Shea Boulevard Policy intends to ensure that Shea Boulevard functions as a high capacity, limited access facility east of the Pima/101 Freeway.
- Case 8-DR-2004 approved a new mixed use office/retail development.
- Case 11-ZN-2002 rezoned the property from C-O PCD to C-3 PCD.

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

13. Arte Non-Major General Plan Amendment, Rezoning, and Conditional Use Permit Requests:

1. Approve three items: (a) a non-major General Plan Amendment from Office to Urban Neighborhoods; (b) a rezoning from Commercial Office District (C-O) to Multiple Family Residential District (R-5); and (c) a conditional use permit for a residential health care facility, all for a 3.8± net acre parcel located at 11415 N. 114th Street.
2. Adopt Resolution No. 7111 affirming the non-major General Plan Amendment.
3. Adopt Ordinance No. 3719 affirming the rezoning.
4. Adopt Resolution No. 7112 affirming the conditional use permit.

Location: 11415 N. 114th Street

Related Policies, References:

- 7-GP-2006
- 4-ZN-2006
- 11-UP-2006
- Case 96-DR-2006 is a request for approval of the site plan and elevations for the residential health care facility, and is tentatively scheduled for the February 8, 2007 Development Review Board hearing.
- Case 94-DR-2003 approved an office complex on the property.

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

14. Arizona Department of Transportation Grant to Conduct Airport Master Plan Update Request: Adopt Resolution No. 7037 authorizing Intergovernmental Agreement (IGA) No. 2006-182-COS, in the amount of \$135,000, with the Arizona Department of Transportation – Aeronautics Division to update the Airport Master Plan approved in 1997.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

15. Arizona Department of Transportation Grant to Design and Construct Addition to Aircraft Washrack at Scottsdale Airport

Request: Adopt Resolution No. 7038 authorizing IGA No. 2006-183-COS, in the amount of \$124,200, with the Arizona Department of Transportation – Aeronautics Division for design and construction of an addition to the existing aircraft washrack facilities located on the Kilo ramp at the Scottsdale Airport.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

16. Arizona Department of Transportation Grant to Design and Construct Access Road, Connectors, Signs, and Taxiways at Scottsdale Airport

Request: Adopt Resolution No. 7077 authorizing IGA No. 2006-209-COS with the Arizona Department of Transportation – Aeronautics Division to accept grant match funds, in the amount of \$10,376, for Federal Aviation Administration Grant AIP22 for design and construction of an access road, connectors, signs, and taxiways at Scottsdale Airport.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

17. Engineering Services Contract to Upgrade Traffic Signal and ITS Software

Request: Adopt Resolution No. 7092 authorizing the Mayor to execute Engineering Services Contract No. 2006-219-COS with Transcore ITS Inc., in an amount not to exceed \$332,134, for installation of TransSuite Signal System software.

Related Policies, References: This action directly supports the City Council Transportation Goal: strengthen the transportation system for the safe, efficient and affordable movement of people and goods.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

18. Engineering Services Contract for Corridor Master Planning, Preliminary Design Study, and Environmental Analysis Along Pima Road

Request: Adopt Resolution No. 7066 authorizing the Mayor to execute Engineering Services Contract No. 2006-203-COS with Parsons Brinckerhoff Quade & Douglas, Inc., in an amount not to exceed \$1,791,863, for the preparation of a corridor master plan, preliminary design study and the environmental analysis for improvements along Pima Road from the intersection of McDowell Road on the south to the 90th Street/Loop 101 interchange on the north.

Related Policies, References: Intergovernmental Agreement No. 2006-030-COS

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

19. Construction Bid Award for Crosscut Canal Multi-Use Path Improvements

Requests:

1. Adopt Resolution No. 7028 authorizing Construction Bid Award No. 07PB009 for construction of Crosscut Canal multi-use path improvements to Austin Bridge & Road, the lowest responsive bidder, at their unit price bid of \$2,279,088.30.
2. Authorize payment to Salt River Project in an approximate amount of \$55,000 for relocation of streetlights.

Related Policies, References:

- On September 21, 2004, Council authorized Engineering Services Contract No. 2004-131-COS with HDR Engineering, Inc., for the design of the Crosscut Canal multi-use path improvements.
- On November 14, 2006, Council approved Contract No. 2006-139-COS with Salt River Project for a study to determine the feasibility of undergrounding all of the overhead electrical power lines on the Crosscut Canal from Indian School Road to McDowell Road.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

20. License Agreement for a Wireless Antenna Facility at Pump Station 126

Request: Adopt Resolution No. 7010 authorizing Agreement No. 2006-160-COS with New Cingular PCS, LLC, a Delaware limited liability company, to install and operate a monocactus wireless antenna facility at the Water Resources Pump Station 126, located at 8845 East Los Gatos Drive.

Location: 8845 E. Los Gatos Drive

Related Policies, References:

- Chapter 2, Article IV, Division 5, Section 2-221(c) of the Scottsdale Revised Code permits the City to allow outside parties to use City-owned real property by means of a revocable license agreement.

- Wireless Communications Facilities Ordinance Amendment approved by the City Council on March 4, 2003.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

21. Service Contracts for Energy, Streetlight Pole Use License, and Maintenance and Operation Agreements with APS

Request: Adopt Resolution No. 7081 authorizing the City to enter into Contract No. 2006-216-COS, Streetlight Energy Agreement; Contract No. 2006-221-COS, Streetlight Pole Use License Agreement; and Contract No. 2006-222-COS, Streetlight Construction and Maintenance Agreement with Arizona Public Service (APS).

Related Policies, References:

- City of Scottsdale Contract No. 930006, approved on May 19, 1993, allowed the City to purchase existing streetlight facilities from Arizona Public Service.
- City of Scottsdale Contract No. 930007, approved on May 19, 1993, is a Streetlight Energy Agreement which establishes electrical rates for various sizes of streetlight fixtures, and confers upon the City a discounted electrical rate for street lighting.
- City of Scottsdale Contract No. 930008, effective June 28, 1993, is a Master License Agreement that allows the City to attach streetlights or traffic signal mast arms to APS-owned utility poles. The agreement sets attachment fees which are paid annually for each attachment location.
- City of Scottsdale Contract No. 930009, effective June 28, 1993, is an Operations, Maintenance and Facilities Agreement that defines the maintenance and operations standards for APS to follow when maintaining City-owned streetlights on behalf of the City. This contract also establishes costs for APS to install streetlights on the City's behalf.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

Responding to a question from Councilman Nelssen, Municipal Services General Manager Dan Worth said the agreement sets rates, establishes maintenance responsibilities, and includes license agreements. However, agreement has no impact on the style, types of new poles, or co-locations of wireless facilities.

22. Warehouse Lease for Scottsdale Police Department Evidence Storage

Request: Adopt Resolution No. 7068 authorizing Agreement No. 2006-205-COS with JPS II Investments, LLC to lease warehouse space at the Scottsdale Airpark to store police evidence.

Related Policies, References:

- Article I, Section 3A, of the City Charter gives the City authority to acquire property for any City purpose, in fee or lesser interest, such as a lease.
- City of Scottsdale Audit No. 0401, Police Department Property Room.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

23. Construction-Phase Services Contract for the Central Groundwater Treatment Facility Rehabilitation Project

Request: Adopt Resolution No. 7067 authorizing Construction Manager at Risk Construction Phase Services Contract No. 2007-009-COS with Currier Construction, Inc.,

for construction services at a guaranteed maximum price of \$1,751,427.92 for the Central Groundwater Treatment Facility (CGTF) rehabilitation project.

Related Policies, References:

- On October 21, 2002, the City of Scottsdale signed an Amended Consent Decree, finalized and executed by the United States on June 5, 2003.
- On July 11, 2006, Council awarded Engineering Services Contract No. 2006-114-COS to Valentine Environmental Engineers, LLC for the design of the CGTF rehabilitation project.
- On September 9, 2006, Council awarded Design Phase Services Contract No. 2006-154-COS to Currier Construction for design phase services for the CGTF rehabilitation project.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

24. Engineering Services Contract for Stormwater Improvements in the Granite Reef Watershed

Request: Adopt Resolution No. 7100 authorizing Engineering Services Contract No. 2006-227-COS with Psomas in the amount of \$601,621 for the Granite Reef Watershed Drainage Study and Preliminary Design.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

25. Engineering Services Contract for the Design of Villa Monterey Open Space Park

Request: Adopt Resolution No. 7119 authorizing Engineering Services Contract No. 2007-011-COS with Logan Simpson Design, Inc., in the amount of \$225,000 for the design of the Villa Monterey Open Space Park.

Related Policies, References: On September 19, 2006, Council approved the acquisition of approximately 32 acres of land known as the former Villa Monterey Golf Course for rehabilitation and utilization as a public open space park. At the same time, Council approved the transfer of \$2,000,000 from the General Fund to the Capital Improvement Fund. Portions of this funding were to pay for design and initial construction of improvements to this site.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

26. Architectural Services Contract for the Design of Appaloosa Branch Library

Request: Adopt Resolution No. 7033 authorizing Architectural Services Contract No. 2006-179-COS with DWL Architects + Planners, Inc., in the amount of \$548,912 for the design of the Appaloosa Branch Library.

Related Policies, References:

- On May 15, 2006, Council approved the location of the Appaloosa Branch Library.
- On December 11, 2006, Council approved the creation of a new CIP project funded with \$1,500,000 in Bond 2000 interest earnings for the purchase of the initial collection materials for the Appaloosa Library.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

Councilman Nelssen said he has received comments from citizens who are concerned about the design of the Appaloosa Library building, and asked how an architectural services contract is awarded. Mr. Worth reviewed the bidding and selection process, noting that State statutes mandate specific criteria and incorporation of a selection board. He stated that six or eight

proposals for the project were received. Councilman Nelssen said citizens want the site to be constructed with as much care and sensitivity as the Aquatic Park.

27. Design-Phase Services Contract for Grayhawk Community Park Phase 1

Request: Adopt Resolution No. 7032 authorizing Construction Manager at Risk Design-Phase Services Contract No. 2006-178-COS with Valley Rain Construction Corporation in the amount of \$169,121.94 for design-phase services related to the construction of Grayhawk Community Park Phase 1.

Related Policies, References:

- On December 7, 1999, Council approved the Municipal Use Master Plan for the site (5-MP-99).
- On July 11, 2006, Council awarded Landscape Architectural Services Contract No. 2006-115-COS to Olsson Associates for the design of Grayhawk Community Park Phase 1.
- On December 11, 2006, Council approved increasing project funding to a total of \$8,193,500.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

28. Service Contract for Relocation of Existing SRP Irrigation Facilities near W Hotel

Request: Adopt Resolution No. 7109 authorizing Contract No. 2007-003-COS for the City of Scottsdale to enter into an agreement with Salt River Project (SRP) allowing it to relocate its existing irrigation facilities within the existing street right-of-way on Camelback Road.

Related Policies, References: Section 2-221(b)(5) of the Scottsdale Revised Code prohibits granting easements in street right-of-ways.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

29. Compensation Adjustments for Charter Officers

ITEM 29 REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION. SEE PAGE 13.

30. TGen Development Agreement Modification Relating to Biomedical Research Activities

Request: Adopt Resolution No. 7125 approving Contract Amendment No. 2004-023-COS-A3, an amendment with the Translational Genomics Research Institute (TGen), modifying the terms of the 2004 Development Agreement for the Translational Drug Development facility (TD2) at the Mayo Clinic Collaborative Research Building.

Related Policies, References:

- 2004 TGen Development Agreement No. 2004-023-COS-A1
- 2004 Assignment of Lease No. 2004-023-COS-A2
- Economic Vitality Strategic Plan
- "Arizona's BioScience Roadmap" report by the Battelle Institute
- "Scottsdale 2.0: A Roadmap for the Future" by the Morrison Institute

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

Mayor Manross noted a typographical error on page one, paragraph two, of the Development Agreement, and advised the word 'repay' (used twice) will be corrected to be 'prepay'.

31. Sharing of Law Enforcement Information via COPLINK

Request: Adopt Resolution No. 7083, authorizing Intergovernmental Agreement No. 2006-217-COS between the City of Scottsdale and the City of Phoenix for sharing of law enforcement information via a regional application called COPLINK.

Staff Contact(s): Alan G. Rodbell, Chief of Police, 480-312-1900,
arodbell@scottsdaleaz.gov

32. Temporary Training Facilities for Fire Department

Request: Adopt Resolution No. 7103 authorizing Contract No. 2006-228-COS for the lease-purchase from US Modular Group, Inc., of two modular buildings to support Fire Department training activities at the Police/Fire Training Center for the combined amount of \$234,878.12 to be paid over a five-year period. Under this contract, \$43,991.56 will be paid during FY 2006/2007. The Fire Department has identified funds to cover this initial expense. The remainder of this contract will be paid over the subsequent 56 months, beginning July 2007 and ending March 2012, at an annual cost of \$40,903.68.

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880,
wmcdonald@scottsdaleaz.gov

33. Fire Department Medical Services Contract

Request: Adopt Resolution No. 7104 authorizing Contract No. 2006-230-COS allowing the City to enter into an agreement with Concentra Health Services, Inc., for medical services, including the annual incumbent medical certification exams and the firefighter-recruit new hire medical exams related activities for \$117,500 per year.

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880,
wmcdonald@scottsdaleaz.gov

34. Administrative Summons for Tax Records

Request: Adopt Resolution No. 7127 authorizing an examination of the tax returns of Melvin W. Cooper, dba Valley View Trees, by authorized agents of the Internal Revenue Service.

Related Policies, References: Scottsdale Revised Code, Appendix C, Transaction Privilege and Use Tax Code, Section 510(b)

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405,
drobberson@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager/CFO,
480-312-2364, cclifford@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCIL MEMBER DRAKE MOVED TO APPROVE CONSENT AGENDA ITEMS 3 THROUGH 8, 10 THROUGH 28, AND 30 THROUGH 34, AND AMEND ITEM 30 BY CHANGING THE WORDS "REPAY" TO "PREPAY." COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEMS 1 AND 2 WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION. COUNCILMAN ECTON DECLARED A POTENTIAL CONFLICT OF INTEREST (ARS 38-501) AND LEFT THE DAIS.