

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 24, 2007**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, April 24, 2007 in the City Hall Kiva at 5:07 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Tony Nelssen
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, and Ron McCullagh

Also Present: City Manager Jan Dolan
City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Junior Girl Scout Troop No. 1991

INVOCATION – Dr. Bruce Johnson, Scottsdale Presbyterian Church

PRESENTATIONS/INFORMATION UPDATES – Mayor Manross announced that the week of April 23rd – 29th is Crime Victims Rights Week.

APPOINTMENT – Reappointment of Judge Orest A. Jejna, Associate City Judge

COUNCILMEMBER DRAKE MOVED TO APPROVE THE REAPPOINTMENT OF JUDGE OREST A. JEJNA, ASSOCIATE CITY JUDGE, FOR A FOUR-YEAR TERM COMMENCING MAY 5, 2007. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

PUBLIC COMMENT

Henry Becker, 9643 E. Vereda Solana, expressed concern about the lack of staff response to citizen questions.

NOTE: IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

Tom Gordon, 9445 E. Doubletree Ranch Road, speaking on behalf of the Scottsdale Small Business Alliance, presented a petition (attached) asking Council to form stakeholder groups to provide input on the Scottsdale Road Streetscape program.

Marti McVey, 3030 N. Hayden Road, asked to meet with the Council to discuss the Condos at Hayden project.

Leon Spiro, 7814 E. Oberlin Way, presented a citizen petition (attached) asking the Council to re-confirm and/or void the April 16, 2002 letter to the Planning Commission regarding GLO abandonments, and expressed concern about staff response to an abandonment issue at an earlier meeting.

MINUTES

SPECIAL MEETING
March 29, 2007

COUNCILMAN LANE MOVED TO APPROVE THE SPECIAL MEETING MINUTES OF MARCH 29, 2007. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1-15

ITEMS 5, 6, AND 7 REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.

1. **News Café & Evening News (Restaurant) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) liquor license for an existing location.
Location: 7704 E. Doubletree Ranch Road, Suite 190
Reference: 20-LL-2007
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Scottsdale Auto Salon (Beer and Wine Store) Liquor License**
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.
Location: 9393 E. Bell Road
Reference: 22-LL-2007
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Butcher Block (Restaurant) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.
Location: 7228 E. 1st Avenue

Reference: 23-LL-2007

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. Intergovernmental Agreement with Maricopa County for Paiute Neighborhood Center Head Start Program

Request: Adopt Resolution No. 7147 authorizing Intergovernmental Agreement No. 2007-029-COS with Maricopa County for the purpose of continuing the Head Start Program at the Paiute Neighborhood Center, 6535 East Osborn Road.

Related Policies, References:

- Section 2-221(b)(2) of the Scottsdale Revised Code allows the sale of City real property interests to a public agency by resolution of the City Council.
- Council authorized Intergovernmental Agreement No. 2002-063-COS with Maricopa County for a Head Start Program at Paiute Neighborhood Center on May 13, 2002.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

5. Vivienda Abandonment

ITEM 5 REMOVED FROM CONSENT FOR SEPARATE DISCUSSION (SEE PAGE 5).

6. Portero Abandonment

ITEM 6 REMOVED FROM CONSENT FOR SEPARATE DISCUSSION (SEE PAGE 6).

7. Sereno Canyon Abandonment

ITEM 7 REMOVED FROM CONSENT FOR SEPARATE DISCUSSION (SEE PAGE 8)

8. Authorization to Apply for Proposition 202 Annual Tribal Gaming Revenue

Request: Adopt Resolution No. 7208 authorizing the Governmental Relations Director to submit Proposition 202 grant applications to the various local Indian Nations on behalf of the City during the period of July 1, 2007 through June 30, 2008.

Related Policies, References: Arizona Revised Statutes Section 5-601.01, codifying in part Proposition 202, an initiative measure approved by the electors at the November 5, 2002 general election.

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423; Neal Shearer, Assistant City Manager, nshearer@scottsdaleaz.gov, 480-312-2604

9. Rassner/Library and Scottsdale Community/Human Service Endowments

Request: Adopt Resolution No. 7198 approving the distribution of interest income from the City's Endowment Program for FY 2007/08.

Related Policies, References:

- Resolution No. 6112, dated July 1, 2002, authorized field-of-interest agreements with the Arizona Community Foundation and identified City boards to assist in the recommendations for distributing funds.
- Resolution No. 6864, passed and adopted April 25, 2006, approved the distribution of interest income for the City's endowment program for FY 2006/07.

Staff Contact: Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

10. General Fund Allocation for Public Human Services (moved to the Regular Agenda)

11. Scottsdale Cares Allocation

Request: Adopt Resolution No. 7200 approving the recommendations of the Human Services Commission for allocation of FY 2007/08 for Scottsdale Cares programs in the amount of \$245,000, and authorizing the Mayor to execute contracts for services to be funded through this program that exceed the formal bid limit, and authorizing the Community Services General Manager, or designee, to execute those that do not exceed the formal bid limit.

Related Policies, References:

- Ordinance No. 2744, passed and adopted on February 21, 1995 (Scottsdale Revised Code Section 2-138), authorizing the voluntary utility donation program Scottsdale Cares
- Resolution No. 6865, passed and adopted on April 25, 2006, approved allocation of Scottsdale Cares for FY 2006/07
- Scottsdale Revised Code Section 2-180, Purpose; Director Power and Duties; Delegation
- Procurement Code Procedure P2-180.2, Procurement Delegation
- Scottsdale Revised Code Section 2-185, Informal and formal procurement limits
- Scottsdale Revised Code 2-201, Award of Contract

Staff Contact: Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

12. Intergovernmental Agreement with ADOT for Maintenance and Operation of Eight Loop 101 Interchange Traffic Signals

Request: Adopt Resolution No. 7078 authorizing the City to enter into Intergovernmental Agreement No. 2006-215-COS with the State of Arizona Department of Transportation (ADOT) allowing the City of Scottsdale to maintain and operate eight Loop 101 interchange traffic signals within the City of Scottsdale.

Related Policies, References: Prior to construction of the Loop 101 Freeway north of Shea Boulevard, the City's traffic engineering division requested that ADOT allow the City to operate the interchange traffic signals within Scottsdale's boundaries. ADOT agreed, but stipulated that the City would have to maintain the traffic signals.

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

13. Acquisition of Right-of-Way for Center Drive Construction and Water Line Installation

Request: Adopt Resolution No. 7193 authorizing the acquisition of real property and easements totaling approximately 23 acres for roadway and drainage easements from the Arizona State Land Department, Hualapai LLC, and other private parties, in an approximate amount of \$4,000,000.

Related Policies, References:

- Council awarded Engineering Services Contract No. 2005-015-COS to Wood, Patel & Associates, Inc., for the design of improvements to Center Drive from 74th Street to Hayden Road on February 17, 2004.
- Council approved Development Agreement No. 2002-141-COS with the Arizona State Land Department on November 19, 2002.

- Council approved Development Agreement No. 2002-142-COS with Corrigan and DMB on November 19, 2002.

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

14. **Operating Budget Contingency Transfer for Downtown Marketing Program**
Request: Authorize a contingency transfer of \$228,090 from the General Fund to The Downtown Group operating budget for the Downtown Marketing Program consistent with the funding included in the adopted FY 2006/07 budget for these purposes.
Related Policies, References: Ordinance No. 3681, that adopted the Final Budget estimates for FY 2006/07, including funding in the General Fund operating contingency for the Downtown Marketing Program.
Staff Contact(s): John Little, Downtown Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov
15. **Intergovernmental Agreement with Salt River Pima-Maricopa Indian Community Police Department to Provide Forensic Services**
Request: Adopt Resolution No. 7201 authorizing the City to enter into Intergovernmental Agreement No. 2007-056-COS, which allows the Scottsdale Police Department to provide forensic services to the Salt River Pima-Maricopa Indian Community Police Department for \$153,043.
Related Policies, References: This agreement is made under the authority of Article 1, Section 3-1 of the City Charter of the City of Scottsdale.
Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

MOTION #1 – CONSENT AGENDA

COUNCILMEMBER DRAKE MOVED TO APPROVE CONSENT AGENDA ITEMS 1 THROUGH 9 AND 11 THROUGH 15. COUNCILMAN ECTON SECONDED THE MOTION.

Vice Mayor Nelssen requested items 5, 6, and 7 be removed from the consent agenda.

COUNCILMEMBER DRAKE WITHDREW HER MOTION.

MOTION AND VOTE #2 – CONSENT AGENDA

VICE MAYOR NELSSSEN MOVED TO APPROVE CONSENT AGENDA ITEMS 1 THROUGH 4, 8 and 9, AND 11 THROUGH 15. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEMS 5, 6, AND 7 REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION

5. Vivienda Abandonment

Request:

1. Adopt Resolution No. 7188 vacating and abandoning public rights-of-way, as follows:
 - a. Abandon the eastern 20-foot-wide public utility and roadway easement along the western property boundary (North 128th Street) beginning at the southern

property boundary from East Pinnacle Peak Road, extending north for a distance of approximately 1,321 feet. Dedicated by the Page Land and Cattle Company, December 19, 1975.

- b. Abandon the northern 55-foot-wide right-of-way (East Pinnacle Peak Road) beginning at the southeast corner of North 128th Street for a distance of approximately 2,258 feet to the east. Dedicated by Mr. and Mrs. G. Flyer via Quit Claim Deed, recorded March 25, 1981, in Docket 15111, Page 1059.
- c. Abandon the entire 40-foot-wide right-of-way along North 130th Street, beginning at the south boundary of East Pinnacle Peak Road north for a distance of 1,321 feet. Dedicated by Strand West and recorded on April 23, 1983, recording No. 83-154887.
- d. Abandon the north 40-foot-wide right-of-way beginning approximately 660 feet north of East Pinnacle Peak Road on North 130th Street and terminating at North 132nd Street. Dedicated by Strand West and recorded on April 23, 1983, recording No. 83-154887.
- e. Abandon the south 20-foot-wide right-of-way beginning approximately 660 feet north of East Pinnacle Peak Road on North 130th Street and terminating at a distance of approximately 990 feet. Dedicated by Strand West and recorded on April 23, 1983, recording No. 83-154887.
- f. Abandon the 40-foot-wide right-of-way along the western property boundary (North 132nd Street) beginning approximately 660 feet north of East Pinnacle Peak Road on North 132nd Street and terminating at a distance of approximately 660 feet to the north. Dedicated by Strand West and recorded on April 23, 1983, recording No. 83-154887.

Related Policies, References:

- The Vivienda Subdivision and abandonment 2-PP-2006, 20-AB-2006
- The Portero Subdivision and abandonment 1-PP-2006, 21-AB-2006
- The Sereno Canyon Subdivision and abandonment, 22-PP-2005, 27-AB-2006
- Dynamite Foothills Character Area Plan
- General Plan – Community Mobility Element
- Trails Plan
- Environmentally Sensitive Land Ordinance

Staff Contact(s): Frank Gray, General Manager Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

6. Portero Abandonment

Request:

1. Adopt Resolution No. 7189 vacating and abandoning public rights-of-way, as follows:
 - a. Abandon the eastern 20-foot-wide public utility and roadway easement along the western property boundary (North 128th Street Alignment), beginning at the southern property boundary extending north for a distance of approximately 2,640 feet. Dedicated by the Page Land and Cattle Company December 19, 1975.
 - b. Abandon the east 20-foot-wide right-of-way along the western property boundary, beginning at the southern property boundary northward to, and terminating at Happy Valley Road. Dedicated by HHL Properties, April 16, 2001, as a condition of the Land Division No. 101-LS-2000.
 - c. Abandon the southern 20-foot-wide right-of-way along the northern property boundary (Happy Valley Road), beginning at North 130th Street and terminating

- at North 132nd Street. Dedicated by HHL Properties, April 16, 2001, as a condition of the Land Division No. 101-LS-2000.
- d. Abandon the southern 20-foot-wide right-of-way along the eastern property boundary (North 132nd Street), beginning at Happy Valley Road, and terminating south at a distance of 1,280 feet. Dedicated by HHL Properties, April 16, 2001, as a condition of the Land Division No. 101-LS-2000.
 - e. Abandon the eastern 20-foot-wide right-of-way along the eastern property boundary (North 132nd Street), beginning at the southern property boundary, and terminating north at a distance of 640 feet. Dedicated by HHL Properties, April 16, 2001, as a condition of the Land Division No. 101-LS-2000.
 - f. Abandon the south 20-foot-wide right-of-way along the southern property boundary, beginning at North 130th Street, and terminating at North 132nd Street. Dedicated by HHL Properties, April 16, 2001, as a condition of the Land Division No. 101-LS-2000.
 - g. Abandon the south 20-foot-wide right-of-way along the southern property boundary, beginning at North 132nd Street, and terminating east at a distance of 660 feet. Dedicated by Greenplex Investments LLC, June 14, 2000, as a condition of the Land Division No. 29-LS-2000.
 - h. Abandon the south 20-foot-wide right-of-way along the southern property boundary, beginning at North 134th Street, and terminating west at a distance of 226 feet. Dedicated by Investments LLC, April 16, 2001, as a condition of the Land Division No. 29-LS-2000.
 - i. Abandon the entire 40-foot-wide right-of-way (North 134th Street) beginning at the southern property boundary, and terminating north to include the cul-de-sac. Dedicated by Greenplex Investments LLC, April 16, 2001, as a condition of the Land Division No. 29-LS-2000.
 - j. Abandon a portion of the right-of-way (Buckskin Trail) within the cul-de-sac beginning at a brass cap accepted as the west quarter corner of Section 1 from which a brass cap accepted as the northwest corner of said section thereof bears south 00 degrees 05 minutes 01 seconds east a distance of 2,550.45 feet; thence, along the west line of said southwest quarter, south 00 degrees 03 minutes 10 seconds east a distance of 2,309.67 feet; thence, leaving said west line north 89 degrees 46 minutes 07 seconds east 867.83 feet to the point of beginning; thence, along said line, north 89 degrees, 46 minutes 07 seconds east a distance of 46.00 feet to the beginning of a tangent curve concave to the northwest having a radius of 46.00 feet; thence, along said curve through a central angle of 59 degrees 20 minutes 58 seconds an arc length of 47.65 feet to a point of tangency; thence, south 30 degrees 25 minutes 09 seconds west a distance of 46.00 feet to the point of beginning. Dedicated by MER 9.55-acres, Land Division No. 175-SA-2003, December 2, 2003.

Related Policies, References:

- The Portero Subdivision and abandonment, 1-PP-2006, 21-AB-2006
- The Vivienda Subdivision and abandonment, 2-PP-2006, 20-AB-2006
- The Sereno Canyon Subdivision and abandonment, 22-PP-2005, 27-AB-2006
- Land Divisions 29-LS-2000, 101-LS-2000, 104-LS-2000 and 175-SA-2003
- Area Circulation Plan
- Dynamite Foothills Character Area Plan
- General Plan – Community Mobility Element
- Trails Plan
- Environmentally Sensitive Land Ordinance

Staff Contact(s): Frank Gray, General Manager Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

7. Sereno Canyon Abandonment

Request:

1. Adopt Resolution No. 7190 vacating and abandoning public rights-of-way, as follows:
 - a. Abandon the south 55-foot-wide public utility and roadway easement along the northern property boundary (East Happy Valley Road Alignment), beginning at the western property boundary of North 126th Street extending east to a point 330 feet east of East 122nd Street.
 - b. Abandon the entire 40-foot-wide public utility and roadway easement located 1,308 feet south of East Happy Valley Road, beginning at the western property boundary of North 126th Street extending east to a point 330 feet east of East 122nd Street.
 - c. Abandon the south 20-foot-wide public utility and roadway easement located 1,308 feet south of East Happy Valley Road, beginning at the eastern property boundary of North 122nd Street for a distance of 330 feet.
 - d. Abandon the entire 40-foot-wide public utility and roadway easement (East Alameda Road Alignment), beginning at North 122nd Street and terminating at North 126th Street.
 - e. Abandon the entire 40-foot-wide public utility and roadway easement along East Mariposa Grande Drive, between 122nd Street and 124th Street, and the eastern boundary of the exception parcel to North 126th Street.
 - f. Abandon the 20-foot-wide public utility and roadway easement along East Mariposa Grande Drive for 660 feet, north of the exception parcel.
 - g. Abandon the 20-foot-wide public utility and roadway easement along the south half of East Mariposa Grande Drive, beginning at North 126th Street and terminating at North 128th Street.
 - h. Abandon the south 55-foot-wide public utility and roadway easement along the southern property boundary (East Pinnacle Peak Road Alignment), beginning at the western property boundary of North 122nd Street to North 124th Street, and a point 660 feet east of North 124th Street and terminating at North 128th Street. The easement will remain along the boundary of the exception parcel.
 - i. Abandon the 15-foot-wide public utility and roadway easement along the eastern property boundary (North 122nd Street) from a point located 1,320 feet south of the East Happy Valley Road Alignment and terminating at the East Pinnacle Peak Road Alignment.
 - j. Abandon the entire 40-foot-wide public utility and roadway easement along the North 124th Street Alignment beginning at the East Happy Valley Road Alignment and terminating at the East Mariposa Grande Drive Alignment.
 - k. Abandon the east 20-foot-wide public utility and road easement located along the North 124th Street Alignment beginning at the East Mariposa Grande Drive Alignment and terminating at the East Pinnacle Peak Road Alignment.
 - l. Abandon the east 15-foot-wide public utility and roadway easement along the eastern half of North 126th Street from the East Happy Valley Road Alignment and terminating at the East Mariposa Grande Drive Alignment.
 - m. Abandon the entire 30-foot-wide public utility and roadway easement along the North 126th Street Alignment beginning at the East Mariposa Grande Drive Alignment and terminating at the East Pinnacle Peak Road Alignment.

- n. Abandon the west 15-foot-wide public utility and roadway easement located along the North 128th Street Alignment beginning at the East Mariposa Grande Drive Alignment and terminating at the East Pinnacle Peak Road Alignment.

Related Policies, References:

- The Sereno Canyon Subdivision and abandonment 22-PP-2005, 27-AB-2006
- The Portero Subdivision and abandonment 1-PP-2006, 21-AB-2006
- The Vivienda Subdivision and abandonment 2-PP-2006, 20-AB-2006
- Circulation Master Plan for Sereno Canyon
- Dynamite Foothills Character Area Plan
- General Plan – Community Mobility Element
- Trails Plan
- Environmentally Sensitive Land Ordinance

Staff Contact(s): Frank Gray, General Manager Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

Leon Spiro, 7814 E. Oberlin Way, requested a staff presentation for Item Nos. 5, 6 and 7. 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 asked if the abandonment requests were associated with other parcels and commented on the City Code requirements associated with block and rectangle layouts.

Council/Staff Discussion:

- Councilmember Drake asked Frank Gray, Planning and Development Services General Manager, to respond to Mr. Spiro's concerns. Mr. Gray stated that the terrain at Vivienda is rugged and not suitable for a grid plan.
- Vice Mayor Nelssen asked for clarification regarding pavement of roads in the proposed developments. Mr. Gray outlined the criteria established for paving roads with asphalt or decomposed granite.
- Vice Mayor Nelssen expressed concern that, if the abandonments are approved, the resulting development may be in contradiction with the established Dynamite Foothills Character Area.

MOTION – ITEMS 5, 6, AND 7

COUNCILMAN ECTON MOVED TO APPROVE ITEMS 5, 6, AND 7. COUNCILMAN LANE SECONDED THE MOTION.

Council/Staff Discussion:

- Councilmember Drake noted that the developmental design discussions should have taken place during the review of the subdivision plats by the Planning Commission and the Development Review Board.
- Vice Mayor Nelssen expressed concern that equestrian privileges may not exist under the CC&Rs of the subdivisions. He stressed that character areas establish guidelines which should be followed.
- Mr. Gray stated that the preliminary plats for Vivienda and Sereno Canyon have been approved, but the rights-of-way must be abandoned before the areas can be platted. Mr. Gray said there will be further opportunity for discussion of the subdivisions when the subdivisions are brought before the Council for approval of the final plats. He noted that

the abandonments would not be effective until the final plats are approved. City Attorney Deborah Robberson added that the standard used for final plat approval is the finding of "being in substantial conformance" with the preliminary plat.

- Councilmember Drake recalled that the Development Review Board required the developer of Sereno Canyon to adopt a design that respects the terrain and takes the Dynamite Foothills Character Area guidelines into account.

Mayor Manross asked if the applicants were present.

David Gulino, representing the applicant for Sereno Canyon, said that the character area issues should have been raised during the Development Review Board hearing or during the zoning hearing. He added that the project has undergone extensive review and analysis.

Continued Council/Staff Discussion:

- Vice Mayor Nelssen reiterated his concern that character area guidelines are being ignored and expressed concern about the decision-making process for trails.
- Vice Mayor Nelssen asked when the Planning Commission addressed Case No. 27-AB-2006. Mr. Gray stated that the three abandonment cases (27-AB-2006, 21-AB-2006 and 20-AB-2006) were approved by the Planning Commission on March 14, 2007.
- Councilmember Drake suggested developing regulatory guidelines, based on character areas, which would govern overlay zoning.

VOTE ON MOTION – ITEMS 5, 6, AND 7

MOTION TO APPROVE ITEMS 5, 6 AND 7 CARRIED 6-1, WITH VICE MAYOR NELSEN DISSENTING.

REGULAR AGENDA

10. General Fund Allocation for Public Human Services (moved from the Consent Agenda)

Request: Adopt Resolution No. 7199 approving the recommendations of the Human Services Commission for allocation of FY 2007/08 for Human Services General Fund projects in the amount of \$433,978, and authorizing the Mayor to execute contracts for services to be funded through this program that exceed the formal bid limit, and authorizing the Community Services General Manager, or designee, to execute those that do not exceed the formal bid limit.

Related Policies, References:

- Resolution No. 6865, passed and adopted on April 25, 2006, approved allocation of Human Services General Fund projects for fiscal year 2006/07.
- Resolution No. 6844, passed and adopted on June 20, 2006, authorized Intergovernmental Agreement No. 2006-015-COS in the amount of \$253,978 to fund alcohol, drug and violence prevention services in 33 Scottsdale schools, including the School District's alternative school, for fiscal year 2006/07.
- Scottsdale Revised Code Section 2-180, Purpose; Director Power and Duties; Delegation
- Procurement Code Procedure P2-180.2, Procurement Delegation
- Scottsdale Revised Code Section 2-185, Informal and formal procurement limits
- Scottsdale Revised Code Section 2-201, Award of Contract

Staff Contact: Debra Baird, Community Services General Manager, 480-312-2480,
dbaird@scottsdaleaz.gov

Connie James, Human Services Director, provided a PowerPoint presentation outlined as follows:

- Human Services Commission Funding Recommendations
 - Funding Process
 - General Funds to be Allocated
 - General Funds Requested
 - General Fund List of Proposals
 - Options

Mayor Manross opened public testimony.

Mike Whalen, 20 E. Main Street, Mesa, spoke in support of Community Bridges.

Carla Partridge, 8635 N. 64th Place, Paradise Valley, President of the Scottsdale Parent Council, expressed support for funding student services for the Scottsdale Unified School District.

Diane Fausel, 8338 E. Buena Terra Way, Human Services Commissioner, spoke in support of Community Bridges.

Molly Holzer, 12055 N. 108th Place, requested that the City provide the School District with the funds through an IGA to prevent disruption of successful existing programs.

Dr. Frank Scarpati, 1811 S. Alma School Road, Mesa, outlined the services offered by Community Bridges.

William Crawford, 1811 S. Alma School Road, Mesa, described the history of the Community Bridges organization.

Nancy Piciucco, 8040 E. Aster Drive, described the achievements of the Scottsdale Prevention Institute and the Chemical Awareness Program.

Robin Stieglitz, 9138 E. Charter Oak Drive, noted that the Scottsdale Prevention Institute has continued to provide the Chemical Awareness Program despite cuts in funding.

Kristen Polin, 10841 E. Jasmine Drive, described Community Bridges' substance abuse training efforts and practices.

Russ Warrington, 2638 S. Butte Avenue, Tempe, described the mission of the Scottsdale Prevention Institute.

Stephanie Kreiling, 16431 N. 57th Street, listed school districts that the Community Bridges organization has assisted.

Marion Saba, 8010 N. Via De Lago, expressed concern that the Scottsdale Prevention Institute was not afforded an equal opportunity to provide information, and she asked that the Human Services Commission recommendation be reconsidered.

Ann Collins, 10089 E. Aster Drive, said that there has been no criticism of the Institute and she believes that disrupting programs would be counterproductive.

Roseann Deak, 8916 E. Voltaire Drive, founder of Stay Alive at 25, spoke in favor of Community Bridges.

Dr. Milissa Sackos, 8505 E. Valley View Road, thanked the City for its support in providing prevention services to the Scottsdale Unified School District. Dr. Sackos said that the school district values the partnership with the City.

Patricia Dustman, 8411 E. Angus Drive, stressed the importance of flexibility of choice.

Frances Bucruel, 4441 N. Jokake Drive, spoke in support of the Scottsdale Prevention Institute.

Pam Krewson, 4138 E. Lakeside Lane, asked the Council to reconsider the Human Services Commissions recommendation.

Raya Tahan, 5333 N. Seventh Street, Suite B215, Phoenix, an attorney representing the Scottsdale Prevention Institute, expressed concern about the change in the selection process.

Kimberly McQuown, 3131 N. 70th Street, thanked the City for its support of students.

James Lee, 15010 N. 61st Place, described the services Community Bridges provides to the school district.

Judi Parent, 5525 E. Lincoln Drive, Paradise Valley, noted that most of the staff members at the Scottsdale Prevention Institute are Scottsdale residents. She urged Council to reconsider the recommendation.

Maria Porta, 7237 E. Echo Lane, said that the Scottsdale Prevention Institute has demonstrated its commitment to the community-at-large, and she believes that not being the provider to the schools will take away from its ability to serve the larger community.

MaryEllen Tinsley, 1235 N. 34th Street, Phoenix, expressed disappointment that the Scottsdale Prevention Institute was not recommended.

Dr. Don Fowls, 8101 N. 54th Street, Paradise Valley, spoke in support of Community Bridges.

Mayor Manross closed public testimony.

Council/Staff Discussion:

- Several Council Members expressed concerns regarding the RFP scoring process and the change from an intergovernmental agreement to an RFP bid process to distribute funds.
- City Attorney Deborah Robberson described the process for rating the submissions, which included each commissioner rating each bid on four criteria. The total scores were then averaged to determine the successful bidder. Staff provided copies of both the School District Advisory Committee letter and the scoring sheet from the bid process, as requested by Councilman Littlefield.

- Ms. James explained that decreased federal funding has resulted in funding requests which vastly exceed the amount of funds available. The Human Services Commission requested that the funds going to the school district (approximately \$253,000) be rolled into a competitive bid process, along with the approximately \$180,000 available from the City's General Fund, in hopes of being able to meet more social services needs.

MOTION AND VOTE – ITEM 10

COUNCILMAN LITTLEFIELD MOVED TO ACCEPT THE RECOMMENDATIONS FOR CATEGORIES OTHER THAN PREVENTION SERVICES, REJECT THE BIDS ON PREVENTION SERVICES, AND INSTRUCT STAFF TO BRING FORWARD AN ITEM REGARDING AN INTERGOVERNMENTAL AGREEMENT WITH THE SCOTTSDALE UNIFIED SCHOOL DISTRICT. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7/0.

16. Community Development Block Grant (CDBG) Fiscal Year 2007/08 Annual Action Plan, Including HOME Investment Partnerships Program (HOME) Funding Allocations

Requests:

1. Solicit public testimony regarding Scottsdale's Fiscal Year 2007/08 Annual Action Plan for the use of CDBG allocated funds in the amount of \$1,188,665, HOME allocated funds in the amount of \$354,393 and American Dream Downpayment Initiative (ADDI) allocated funds in the amount of \$9,387.
2. Adopt Resolution No. 7180 which:
 - Authorizes the submittal of Scottsdale's Annual Action Plan for FY 2007/08 and authorizes the City Manager to execute a contract with the U.S. Department of Housing and Urban Development (HUD) for CDBG funding for FY 2007/08.
 - Approves the return of City of Scottsdale's Housing Rehabilitation program income to the City's CDBG Line of Credit to be expended on eligible rehabilitation activities and authorizes the Community Assistance Manager to execute all documents related to the Housing Rehabilitation Program.
 - Approves Human Services Commission recommendations for the allocation of Fiscal Year 2007/08 CDBG and HOME funds, and \$100,000 of General Funds for affordable housing related activities.
 - Approves an amendment to the City of Scottsdale Housing Rehabilitation Program Guidelines to increase the maximum deferred loan amount from \$23,500 to \$35,000.
 - Authorizes and awards contracts to agencies to be funded with Fiscal Year 2007/08 CDBG funds, subject to final negotiation of scopes of work and the execution of the HUD contact for FY 2007/08 funding, as well as authorizing the awarding of HOME and ADDI funds.
 - Approves reprogramming of remaining resources under prior years' funding.

Related Policies, References: Resolution No. 6656, passed and adopted on April 19, 2005, authorized and adopted the City of Scottsdale's Five-Year Consolidated Plan for general use of CDBG and HOME funds for Fiscal Years 2005/09.

Staff Contact: Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

Mr. Mark Bethel, Community Assistance Manager, provided a PowerPoint presentation outlined as follows:

- Annual Action Plan (FY 2007/08) for Community Development Block Grant (CDBG) and HOME Investment Partnerships Program
 - Annual Action Plan
 - Public Participation
 - Total Funding Allocations
 - Funding Proposals Presented to Human Services Commission
 - Recommendations for CDBG
 - Recommendations for HOME

Human Services Commission Chair Donna Reid noted that applications were heard jointly by the Human Services Commission and members of the Housing Board.

COUNCILMAN LITTLEFIELD DECLARED A POTENTIAL CONFLICT OF INTEREST (ARS 38-501) AND LEFT THE DAIS.

Council/Staff Discussion:

- Councilman McCullagh asked staff about restrictions associated with the award of funds, including deed restrictions which prohibited the sale of property. Mr. Bethel explained that there is a deed restriction, referred to as a period of affordability, placed on HOME funds. The restriction requires that non-profit agencies provide rental housing to low-income individuals for the designated period of affordability, which is usually 15 to 20 years.
- Ms. Dolan clarified that the money recommended for Community Services of Arizona is associated with CDBG funds, not HOME funds. She said the only restriction on CDBG funds requires that, if the funds are used to purchase property and the property is later sold, the funds must be returned to the City for reprogramming as CDBG funds.
- Councilman Ecton believes it is not appropriate to grant money to a charity and then dictate how it is to be spent.
- Councilmember Drake suggested that a work study session with the Human Services Commission and the Housing Board be held to discuss revitalization and neighborhood preservation, rather than *assemblage and redevelopment*.

MOTION AND VOTE – ITEM 16

COUNCILMEMBER DRAKE MOVED TO ADOPT RESOLUTION NO. 7180 AND ALL ACTIONS ASSOCIATED THERETO. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN LITTLEFIELD ABSTAINING.

MAYOR AND COUNCIL ITEMS

17. **Sexually Oriented Business Ordinance Discussion
(Continued)**
18. **Legislative Update
(Removed)**

PUBLIC COMMENT

Joel Bramoweth, 7502 E. Buena Terra Way, spoke against the widening of Chaparral Road.

CITY MANAGER'S REPORT – None

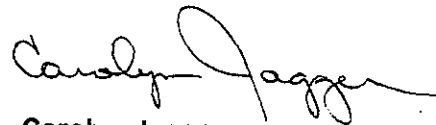
ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:14 P.M.

SUBMITTED BY:

A/V Tronics, Inc.

REVIEWED BY:


Carolyn Jagger
City Clerk

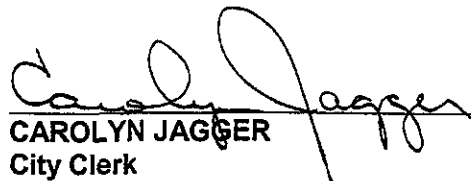
Officially approved by the City Council on May 22, 2007

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 24th day of April 2007.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 22nd day of May 2007.


CAROLYN JAGGER
City Clerk