

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED MEETING NOTICE AND AGENDA

**[ADDED ANNOUNCEMENT OF APPOINTMENT TO THE BUDGET REVIEW COMMISSION; REWORDED
REGULAR ITEM NO. 24]**

COUNCIL

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

Robert W. Littlefield
Ron McCullagh
Marg Nelssen

Tuesday, July 6, 2010

Unless an exception is made, the Council will not begin discussion on any new items after 10:00 p.m. Please note that items not heard at tonight's meeting may be continued to the July 7, 2010 Council meeting.

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:07 PM

Roll Call – ALL PRESENT, COUNCILWOMAN BOROWSKY PRESENT AT 5:15 PM

One or more members of the City Council may be unable to attend the Council meeting in person, and may participate in the meeting telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – COUNCILWOMAN NELSEN

Invocation – NONE

City Manager's Report – CITY MANAGER DAVID RICHERT ANNOUNCED THAT IN PARENTING MAGAZINE'S PUBLISHED TOP 100 CITIES FOR FAMILIES, THE CITY WAS RANKED NUMBER EIGHT OVERALL, NUMBER ONE FOR SAFETY, AND NUMBER THREE FOR RECREATION. CHIEF McDONALD PROVIDED A SUMMARY OF THE REDUCED NUMBER OF INJURIES AND COST SAVINGS BEING REALIZED THROUGH THE FIRE DEPARTMENT WELLNESS AND FITNESS PROGRAM.

Presentations/Information Updates – MAYOR LANE INVITED 10TH, 11TH, AND 12TH GRADERS TO APPLY FOR MEMBERSHIP IN THE MAYOR'S YOUTH COUNCIL, AND PRESENTED BOB FROST WITH A PROCLAMATION AS THE HONORARY SCOTTSDALE POET LAUREATE.

Announcement of Budget Review Commission Appointment – VICE MAYOR KLAPP ANNOUNCED THE APPOINTMENT OF CINDI EBERHARDT AND COUNCILWOMAN NELSEN ANNOUNCED THE APPOINTMENT OF GRAHAM KETTLE TO THE BUDGET REVIEW COMMISSION

Vice Mayor Klapp will announce the appointment of Cindi Eberhardt to the Budget Review Commission.

***Councilwoman Nelssen will announce the appointment of Graham Kettle to the Budget Review Commission.



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).

MINUTES

Request: Approve the Regular Meeting Minutes of June 8, 2010, the Special Meeting Minutes of June 8, 9, and 15, 2010, and the Work Study Session Minutes of June 15, 2010. – OK – 7/0

Public Comment – BOB BERLESE EXPRESSED DISAPPOINTMENT REGARDING HIS REMOVAL FROM THE BUDGET REVIEW COMMISSION.

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.**

CONSENT AGENDA ITEMS 1-23

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. **Acquisition of Control Change for two Rubio’s Restaurant Liquor Licenses (51-LL-2010)** – APPROVED ON CONSENT

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an Acquisition of Control Change for two existing series 12 (restaurant) liquor licenses.

Locations: 15704 Pima Road, Suite C 8-9 and 32415 N. Scottsdale Road, Suite B

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

2. **West Addison Liquor License (52-LL-2010)** – 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 a new location and owner.

Location: 20751 N. Pima Road, Suite 105

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Lao Thai Restaurant Liquor License (53-LL-2010)** – 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: 2200 N. Scottsdale Road

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

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4. **Upper Deck Sports Grill Liquor License (54-LL-2010) – 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 and owner.

Location: 4224 N. Craftsman Court

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

5. **Permanent Extension of Premises for Clancy's Pub Pizza and Grill (32-EX-2010) – APPROVED ON CONSENT**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Clancy's Pub Pizza and Grill.

Location: 4432 N. Miller Road, Suite 107

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Roka Akor Conditional Use Permit (6-UP-2010) – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 8380** approving a Conditional Use Permit for sales of alcoholic beverages as an accessory use to an existing 7300± square foot restaurant with Neighborhood Commercial, Planned Community Development District (C-1 PCD) zoning, and finding that the conditional use permit criteria have been met.

Location: 7299 N. Scottsdale Road

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

7. **Desert Mountain Parcel 19 Rezoning (85-ZN-1986#4) – APPROVED ON CONSENT**

Request: Adopt **Ordinance No. 3902** affirming zoning classifications and authorizing certain boundaries on the "District Map" for Desert Mountain Parcels 19A, 19B, 19C, 19D, 19E, 19F, and 19G. This action will maintain the originally approved Single Family Residential Environmentally Sensitive Lands Hillside zoning districts (R1-35 ESL HD, and R1-7 ESL HD), Open Space Environmentally Sensitive Lands Hillside zoning district (O-S ESL HD), Commercial Office Environmentally Sensitive Lands Hillside zoning district (C-O ESL HD), Industrial Park Environmentally Sensitive Lands Hillside zoning district (I-1 ESL HD), and Central Business District Environmentally Sensitive Lands Hillside zoning district (C-2 ESL HD).

Location: Near the intersection of Pima and Cave Creek Roads

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

8. **Scottsdale Healthcare Osborn Medical Center Rezoning (10-ZN-2009) – APPROVED ON CONSENT**

Requests:

1. Adopt **Resolution No. 8237** declaring the documents entitled "Amended Development Standards," "Scottsdale Healthcare Osborn Medical Center List of Ancillary Uses," and "Development Plan Scottsdale Healthcare Osborn Medical Center" to be public records.
2. Adopt **Ordinance No. 3900** approving the rezoning from Downtown Medical-Type 2 Planned Block Development Downtown Overlay (D/M-2 PBD DO), Downtown Office Commercial-Type 2 Planned Block Development Downtown Overlay (D/OC-2 PBD DO), Downtown Medical-Type

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2 Downtown Overlay (D/M-2 DO), Central Business District Downtown Overlay (C-2 DO), and Highway Commercial District Downtown Overlay (C-3 DO) to Downtown Medical-Type 2 Special Campus District Downtown Overlay (D/M-2 SC DO) with amended development standards on a 45± acre parcel generally located north of East Osborn Road, west and north of North Drinkwater Boulevard, east of North Brown Avenue, and south of East 2nd Street.

3. Adopt **Resolution No. 8353** authorizing Development Agreement No. 2010-097-COS for City communication infrastructure within the development on the northwest corner of East Osborn Road and North Drinkwater Boulevard.

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

9. Optima Sonoran Village (1-GP-2010, 1-ZN-2010, and 3-AB-2010) – MOTION TO ADOPT RESOLUTION NO. 8378, ORDINANCE NO. 3901, AND RESOLUTION NO. 8379 – OK – 6/1 (MN)

Requests:

1. Adopt **Resolution No. 8378** affirming a Non-Major General Plan Amendment from Urban Neighborhoods to Mixed-Use Neighborhoods on a 9.87± acre parcel in Case No. 1-GP-2010.
2. Adopt **Ordinance No. 3901** approving the rezoning from Service Residential (S-R) to Downtown Regional Commercial Office, Type 2, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO), including amended site development standards, and finding that the Planned Block Development criteria have been met, determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan, and award bonus floor area for special public improvements on a 9.87± acre parcel in Case No. 1-ZN-2010.
3. Adopt **Resolution No. 8379** vacating and abandoning public rights-of-way on a 9.87± acre parcel in Case No. 3-AB-2010.

Location: 6801 E. Camelback Road

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

10. Office Space Lease Agreement for the City's Community Assistance Office – APPROVED ON CONSENT

Request: Adopt **Resolution No. 8311** authorizing Lease Agreement No. 2010-075-COS with Carolyn A. Stout to lease office space at 7515 East First Street for the City's Community Assistance Office.

Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

11. Irrigation Drainage Structure Deactivation Agreement with Salt River Project – APPROVED ON CONSENT

Request: Adopt **Resolution No. 8208** authorizing Deactivation Agreement No. 2010-028-COS with Salt River Project for the modification of irrigation facilities located at the southeast corner of Indian School and Miller roads.

Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

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12. **Property Exchange Agreement and Amendment to Pipeline Capacity Agreement with Troon Golf and Country Club – APPROVED ON CONSENT**

Requests:

1. Adopt **Resolution No. 8303** authorizing Property Exchange Agreement No. 2010-072-COS with Troon Golf and Country Club for the exchange of a portion of the City owned Troon Treatment Plant property for an adjacent parcel of land owned by the Troon Golf and Country Club.
2. Adopt **Resolution No. 8377** authorizing Contract No. 1996-127-COS-A2, the Second Amendment to the Pipeline Capacity Agreement No. 960127, setting forth certain terms for the delivery of non-potable water.

Staff Contact(s): Dan Worth, Public Works Executive Director, 480-312-5555,
dworth@scottsdaleaz.gov

13. **Chaparral Water Treatment Plant Pretreatment Evaluation Study Engineering Services Contract – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 8362** authorizing Engineering Services Contract No. 2010-101-COS with Damon S. Williams and Associates, LLC, in an amount not to exceed \$989,798, to evaluate and recommend pretreatment necessary to ensure efficient performance of the Chaparral Water Treatment Plant.

Staff Contact(s): Marshall Brown, Water Resources Executive Director, 480-312-5683,
mbrown@scottsdaleaz.gov

14. **Amended Real Estate Purchase Agreement for Planet Ranch – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 8382** authorizing Agreement No. 2006-124-COS-A2, the Second Amendment to the Real Estate Purchase Agreement for Planet Ranch, with Freeport-McMoRan Corporation, formerly Phelps Dodge Corporation.

Staff Contact(s): Marshall Brown, Water Resources Executive Director, 480-312-5683,
mbrown@scottsdaleaz.gov

15. **Wired Telecommunications License Agreement with TCG Phoenix – APPROVED ON CONSENT**

Request: Adopt **Resolution No. 8329** authorizing Contract No. 2010-088-COS, a wired telecommunications right-of-way license that allows TCG Phoenix to construct, operate, maintain and repair a wireline telecommunications network in the City's rights-of-way.

Staff Contact(s): Brad Hartig, Information Technology Executive Director, 480-312-7615,
bhartig@scottsdaleaz.gov

16. **Intergovernmental Agreements for Bus and East Valley Dial-A-Ride Services – APPROVED ON CONSENT**

Requests:

1. Adopt **Resolution No. 8365** authorizing Intergovernmental Agreement No. 2007-132-COS-A3 with the Regional Public Transportation Authority for the provision of express and fixed route transit service.
2. Adopt **Resolution No. 8366** authorizing Intergovernmental Agreement No. 2007-133-COS-A3 with the Regional Public Transportation Authority for the provision of East Valley Dial-a-Ride paratransit service.

Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

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17. **Intergovernmental Agreement for Transit Service – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8367** authorizing Intergovernmental Agreement No. 2009-128-COS-A1 with the City of Phoenix for provision of fixed route transit service.
Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov
18. **Amended Services Contract for Trolley Operation and Maintenance – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8387** authorizing Contract Amendment No. 2009-187-COS-A1 with Atypical Transportation Company to add operation of new trolley route previously referred to as Valley Metro Route 76.
Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov
19. **Amended Intergovernmental Agreement for the East Valley Bus Operations and Maintenance Facility – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8388** authorizing Intergovernmental Agreement Amendment No. 2005-155-COS-A2 with the City of Tempe and the Regional Public Transportation Authority to serve as the Master Project Agreement for the jointly-funded East Valley Bus Operations and Maintenance Facility.
Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov
20. **Lease Financing of Public Safety Communication Equipment – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7953** authorizing a lease agreement with a national banking association or other financial institution, subject to competitive bid, to facilitate the lease financing of police and fire radio communication equipment, and approving related documents.
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov
21. **City Auditor's Fiscal Year 2010/11 Audit Plan – APPROVED ON CONSENT**
Requests: Consider and approve the City Auditor's Fiscal Year 2010/11 Audit Plan, as recommended by the Council's Audit Committee at its June 21, 2010 meeting.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
22. **Monthly Financial Report – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 8338** accepting the May 2010 Monthly Financial Report.
Staff Contact(s): David N. Smith, City Treasurer, 480-312-2364, dasmith@scottsdaleaz.gov
23. **Downtown Infill Incentive District (1-II-2010) – APPROVED ON CONSENT**
Request: Continue to July 7, 2010.
Location: Between North 68th Street and North Miller Road, and between East Earll Drive and East Chaparral Road
Staff Contact(s): Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, cpadian@scottsdaleaz.gov

REGULAR AGENDA

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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.**

*****24. Proposed City Charter Amendments – MOTION TO ADOPT ORDINANCE NO. 3903, ORDINANCE NO. 3904, AND RESOLUTION NO. 8389 – OK – 7/0**

Requests:

1. Adopt **Ordinance No. 3903** proposing seven amendments to the City Charter, and submitting the proposed amendments to a vote of the qualified electors of the City at a Special Election to run concurrently with the November 2, 2010 General Election.
2. Adopt **Ordinance No. 3904** proposing seven amendments to the City Charter, and submitting the proposed amendments to a vote of the qualified electors of the City at a Special Election to run concurrently with the November 2, 2010 General Election, if sufficient space is available. Otherwise, the seven questions contained in Ordinance No. 3904 will be placed on the next consolidated election ballot, occurring on or before November 1, 2011.
3. Adopt **Resolution No. 8389** calling a Special Election to run concurrently with the November 2, 2010 General Election, and designating or providing for: the election date; Spanish translation of election materials; the deadline for voter registration; early voting dates; the type of voting system to be used; and the manner in which the City Clerk shall conduct the election.

Presenter(s): Brent Stockwell, Senior Advisor

Staff Contact(s): Brent Stockwell, Senior Advisor, 480-312-7288, bstockwell@scottsdaleaz.gov

Mayor and Council Items begin on following page

25. Citizen Petition Regarding Request for Moratorium on Restriction of Candidate Campaign Signs – MOTION TO TAKE NO ACTION – OK – 7/0

Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to allow for a four-month moratorium of its restriction on candidate campaign signs being placed in a City right-of-way, vacant land, corner lots, and fences. This moratorium will apply only to political signs and candidate signs in order to allow for a fair and free election. The petition was submitted by Mr. Leon Spiro at the April 13, 2010 City Council Meeting.

26. Citizen Petition Regarding Request for Review of Development Review Board Decision in Case No. 78-DR-2006#2 – NO ACTION TAKEN

Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to review the Development Review Board site plan re-approval in Case No. 78-DR-2006#2, which was approved unanimously by members of the Development Review Board on April 1, 2010. The petition was submitted by Mr. Leon Spiro at the April 13, 2010 City Council Meeting.

27. Citizen Petition Regarding Request to Reword Agenda Language – NO ACTION TAKEN

Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to correct wording and direction, as stated in the agenda paragraph titled "Public Comment," the time reserved for citizen comments regarding 'non-agendized items'. The petition was submitted by Mr. Leon Spiro at the April 13, 2010 City Council Meeting.

28. Citizen Petition Regarding Submittal of Citizen Petitions – NO ACTION TAKEN

Request: Consider and provide possible direction to staff on a citizen petition, as provided for by the City Charter, asking the Council to request the City Manager to review the number of times the same citizen petition can be submitted to the Council, and make recommendations to the Council on prohibiting the same petition(s) from being submitted on a continuous basis. The petition was submitted by Mr. Leon Spiro at the June 8, 2010 City Council Meeting.

Public Comment – NONE

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.**

29. Acknowledgement and Scheduling of Citizen Petitions – NONE

Request: Acknowledge receipt of and schedule any citizen petitions submitted at the July 6, 2010 Council Meeting for the next City Council meeting that will be held in the regular course of business, which will be the first meeting following the summer break and is scheduled to be held on August 30, 2010.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

Mayor and Council Items – NONE**Adjournment – 6:01 PM**