

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

W.J. "Jim" Lane, Mayor
Suzanne Klapp
Virginia L. Korte
Kathleen S. Littlefield

Linda Milhaven
Guy Phillips
Solange Whitehead

Tuesday, February 4, 2020

Unless an exception is made, or unless otherwise noted, the Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (February 18, 2020).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 P.M.

Roll Call – All Present

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

Pledge of Allegiance – Councilwoman Milhaven

Invocation – Pastor Ryan Goble, Scottsdale Bible Church. Mayor Lane asked for a moment of silence to honor the passing of Cora Messinger.

Mayor's Report – Mayor Lane congratulated WestWorld General Manager Bryan Dygert and staff for receiving the League of Agricultural & Equine Centers' 2020 Facility of the Year award. Mayor Lane read a proclamation in honor of Western Week.

Presentations/Information Updates – Scottsdale Charros Executive Director Dennis Robbins and Patron Rick Carpinelli presentations.

- **Scottsdale Charros Annual Update**
Presenter(s): Dennis Robbins, Executive Director

Public Comment – Scott Calev commented on the Scottsdale Airport Noise Abatement Program. Sandy Schenkat expressed concern about the information that was presented to obtain Southbridge Two referendum signatures. David Ortega spoke about the proposed Southbridge Two buildings on Fifth Avenue and the lack of parking. French Thompson referred to unintended consequences caused by the lack of parking in the Downtown area. Marilyn Atkinson presented a citizen petition asking the City to update the existing Downtown Overlay Parking Requirements Ordinance and that the petition be included in the Old Town Parking Work Study Session discussion scheduled for February 11.



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).

FOR ADDITIONAL INFORMATION VISIT: WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak card must be submitted together with the petition(s) before the Mayor announces the second Public Comment period. Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

MINUTES

Request: Approve the [Regular Meeting Minutes of January 14, 2020](#).

– Councilmember Korte made a motion to approve the Regular Meeting Minutes of January 14, 2020. Vice Mayor Littlefield seconded the motion carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

CONSENT AGENDA **ITEMS 1-13**

How the Consent Agenda Works: The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the 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.

– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 13, absent Item 2, which was moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

- 1. [Cooper's Hawk Winery & Restaurant Liquor Licenses \(110-LL-2019 and 111-LL-2019\)](#) – **Approved on Consent.****

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license and a new Series 7 (beer and wine bar) State liquor license for an existing location with a new owner.

Location: 7361 E. Frank Lloyd Wright Boulevard, Suite 7

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 2. [Permanent Extension of Premises for Whining Pig \(4-EX-2019\)](#) – **Vice Mayor Littlefield made a motion to approve. Councilmember Korte seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.****

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 7 (beer and wine bar) State liquor license for an existing location to expand the patio.

Location: 10121 E. Bell Road, Suite 110

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- 3. [Permanent Extension of Premises for Scottsdale Baseball \(1-EX-2020\)](#) – **Approved on Consent.****

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 6 (bar) State liquor license, accessory to a municipal use (baseball stadium), to include a new clubhouse/multi-use event center.

Location: 7408 E. Osborn Road

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. **[McClain Hangar Conditional Use Permit \(5-UP-2019\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 11704 approving a Conditional Use Permit for a new off-airport heliport on a 1.2±-acre site with Industrial Park (I-1) zoning.
Location: 7974 E. McClain Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

5. **[Chauncey Social Conditional Use Permit and Liquor License \(11-UP-2019 and 70-LL-2019\)](#) – **Approved on Consent.**
Requests:
 1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 11699** approving a Conditional Use Permit for a bar use within a 6,500± square-foot restaurant at Chauncey Lane Marketplace with Planned Regional Center, Planned Community District, Planned Shared Development Overlay (PRC PCD PSD) zoning.
 2. Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for a new location and owner.**Location:** 17767 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

6. **[Paseo at Pinnacle Peak Abandonment \(2-AB-2019\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 11700** authorizing the abandonment of 2,000± square feet of public right-of-way located along the southeast corner of Parcel No. 212-04-641 with Single-Family Residential, Planned Residential Development, Environmentally Sensitive Lands (R1-10 PRD ESL) zoning.
Location: Northeast corner of N. 77th Street and E. Pinnacle Peak Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

7. **[Artisan Legacy/Union Hills 5 Final Plat \(9-PP-2018\)](#) – **Approved on Consent.**
Request: Approve the final plat for a 5-lot subdivision with Single-Family Residential, Planned Community District (R1-7/PCD) zoning on a 3.13±-acre site.
Location: Southeast corner of N. 92nd Street and E. Union Hills Drive
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

8. **[Scottsdale Residences Rezoning \(21-ZN-2016#2\)](#) – **Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4438** approving a zoning district map amendment from Downtown/Downtown Multiple Use – Type 2 Downtown Overlay (D/DMU-2 DO) zoning to Downtown/Downtown Multiple Use – Type 2 Planned Block Development Downtown Overlay (D/DMU-2 PBD DO) zoning; amending the development plan for Case No. 21-ZN-2016 by proposing an increase in dwelling units on the site from 53 to 130; and amending development standards on a 2.60±-acre site located at the southeast corner of N. 69th Street and E. Main Street and approximately 95 feet east of the northeast corner of N. 69th Street and E. 1st Street.
 2. Adopt **Resolution No. 11702** declaring the document titled “*Scottsdale Residences Development Plan*” to be a public record.
 3. Adopt **Resolution No. 11701** authorizing Development Agreement No. 2020-033-COS with Main Street Scottsdale, LLLP.**Location:** 6903, 6909, 6915 and 6939 E. Main Street; and 6914, 6920, and 6930 E. 1st Street
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

9. **Landscaping Text Amendment (3-TA-2019) – Approved on Consent.**

Requests:

1. Adopt **Ordinance No. 4439** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455, amending Article X (Landscaping Requirements) and Article V, Section 5.1604.D.1.d of the General Commercial (C-4) District, to revise restrictions on synthetic landscape materials, including artificial turf; address redundancies; eliminate obsolete regulations and text; and adjust formatting for ease of use.
2. Adopt **Resolution No. 11703** declaring the document titled “*Landscaping Text Amendment*” to be a public record.

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

10. **Cable Television Code Amendment – Approved on Consent.**

Request: Adopt **Ordinance No. 4441** amending Scottsdale Revised Code, Chapter 7, Section 7-31, regarding cable television.

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

11. **Federal Lobbying and Legal Services Contract – Approved on Consent.**

Request: Adopt **Resolution No. 11675** authorizing Contract No. 2018-102-COS-A2 with Covington & Burling, LLP, to extend the contract for an additional two-year period for federal lobbying and legal services; and authorize the City Manager, or designee, to administratively extend or otherwise amend the contract.

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

12. **Legal Services Contracts – Approved on Consent.**

Request: Adopt **Resolution No. 11698** authorizing the following legal services contracts to provide outside legal services when necessary:

1. Contract No. 2020-021-COS with the law firm of Dickinson Wright, PLLC
2. Contract No. 2020-022-COS with the law firm of Ellman Law Group, LLC
3. Contract No. 2020-023-COS with the law firm of Gust Rosenfeld, PLC
4. Contract No. 2020-024-COS with the law firm of Holloway Odegard & Kelly, PC
5. Contract No. 2020-025-COS with the law firm of Jardine Baker Hickman Houston
6. Contract No. 2020-026-COS with the law firm of Jones Skelton & Hochuli, PLC
7. Contract No. 2020-027-COS with the law firm of Lundmark, Barberich, La Mont & Slavin, PC
8. Contract No. 2020-028-COS with the law firm of Peshkin & Kotalik, PC
9. Contract No. 2020-029-COS with the Law Offices of Robert S. Murphy, LLC
10. Contract No. 2020-030-COS with the law firm of Struck Love Bojanowski & Acedo, PLC
11. Contract No. 2020-031-COS with the law firm of Wieneke Law Group, PLC
12. Contract No. 2020-032-COS with the law firm of Wright Welker & Pauole, PLC

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

13. **Eric Brown Settlement Agreement and Release of All Claims – Approved on Consent.**

Request: Adopt **Resolution No. 11710** authorizing Agreement No. 2020-038-COS with Eric Brown in the amount of \$55,000 to settle Eric Brown’s claim against the City.

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

REGULAR AGENDA **ITEMS 14-17**

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 Request to Speak 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 that item.**

14. [STR Ventures McKnight Rezoning \(26-ZN-2018\)](#)

Request: Adopt **Ordinance No. 4433** approving a zoning district map amendment from Service Residential, Downtown Overlay (S-R DO) zoning to Downtown/Downtown Mixed-Use Type 2, Downtown Overlay (D/DMU-2 DO) zoning on a 7,539± square-foot site.

Location: 7531 E. McKnight Avenue

Presenter(s): Doris McClay, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

– Planner Ben Moriarity and Applicant Representative Court Rich presentations.

15. [STR Ventures Main & 1st Rezoning \(27-ZN-2018\)](#)

Request: Adopt **Ordinance No. 4435** approving a zoning district map amendment from Service Residential Downtown Overly (S-R DO) zoning to Downtown/Downtown Mixed-Use Type 2, Downtown Overlay (D/DMU-2 DO) zoning on a 34,555± square-foot site.

Location: 7505 E. Main Street; 7504 and 7510 E. 1st Street

Presenter(s): Doris McClay, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

Note: Items 14 and 15 were considered together.

– Councilwoman Klapp made a motion to adopt Ordinance No. 4433 and Ordinance No. 4435. Councilwoman Milhaven seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Milhaven, Phillips, and Whitehead voting in the affirmative and Councilmember Korte dissenting.

16. [Comprehensive Financial Policies and Governing Guidance](#)

Request: Adopt **Resolution No. 11697** relating to Comprehensive Financial Policies and Governing Guidance as the formal guidelines for the City of Scottsdale's FY 2020/21 financial planning and management.

Presenter(s): Jeff Nichols, City Treasurer

Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

– City Treasurer Jeff Nichols presentation.

– Councilwoman Milhaven made a motion to adopt Resolution No. 11697. Councilwoman Klapp seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, and Whitehead voting in the affirmative and Councilman Phillips dissenting.

17. [Monthly Financial Update](#)

Request: Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of November and December 2019.

Presenter(s): Jeff Nichols, City Treasurer

Staff Contact(s): Judy Doyle, Budget Director, 480-312-2603, jdoyle@scottsdaleaz.gov

– City Treasurer Jeff Nichols and City Engineer Dave Lipinski presentations.

Public Comment – None

Public Comment time is reserved for citizens to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak card must be submitted together with the petition(s) before the Mayor announces the second Public Comment period. Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

CITIZEN PETITIONS

ITEM 18

Citizen Petitions: This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

18. **Receipt of Citizen Petitions – City Manager Jim Thompson noted that a Work Study meeting is scheduled for February 11, 2020 to discuss downtown parking. With the Council's acceptance, he will ask the City Clerk to include the citizen petition presented by Marilyn Atkinson asking the City to update the existing Downtown Overlay Parking Requirements Ordinance in the Old Town Parking Work Study Session materials.**

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

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

MAYOR AND COUNCIL

ITEM 19

– Mayor Lane made a motion to agendize at a future date, a discussion and possible action on the elimination of the tax on food for home consumption. Councilmember Korte seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Phillips, and Whitehead voting in the affirmative and Councilwoman Milhaven dissenting.

– Mayor Lane made a motion to direct the City Manager to agendize for discussion and possible action the Library Board's recommendation that the Scottsdale Public Library become late-fine free. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

19. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for February 18, 2020)**

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Airport Advisory Commission (*one vacancy*) – **Councilwoman Klapp nominated Charles McDermott and Mayor Lane nominated Patrick McGarry.**

Building Advisory Board of Appeals (*three vacancies*) – **No applications received.**

Development Review Board (*one vacancy*) – **Mayor Lane nominated Peter Koliopoulos, Councilmember Korte nominated Andrea Davis, Councilman Phillips nominated Michal Ann Joyner, and Councilmember Whitehead nominated Jeffrey Brand.**

Human Relations Commission (*one vacancy*) – **Councilmember Korte nominated Jeffrie Story, Councilman Phillips nominated Muhammad Babur, and Vice Mayor Littlefield nominated Marie Mendoza.**

Industrial Development Authority (*three vacancies*) – **Councilman Phillips nominated David Hyde and Evelyn Racette.**

Neighborhood Advisory Commission (*one vacancy*) – **Vice Mayor Littlefield nominated Rachel Putman and Councilman Phillips nominated Alexandra Duemer.**

Tourism Development Commission (*one vacancy*) – **Councilwoman Whitehead nominated Cody Newport, Councilwoman Milhaven nominated Monica Nicodemus, Councilwoman Klapp nominated Anna Mineer, Mayor Lane nominated David Woods, and Councilman Phillips nominated Krista Welch.**

Note: The only Council action to be taken on Item No. 19 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

Adjournment – 7:05 P.M.