

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, JANUARY 9, 2024**



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

**CALL TO ORDER**

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:01 P.M. on Tuesday, January 9, 2024 in the City Hall Kiva Forum.

**ROLL CALL**

Present: Mayor David D. Ortega; Vice Mayor Solange Whitehead; and Councilmembers Tammy Caputi, Tom Durham, Barry Graham, Betty Janik, and Kathy Littlefield

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, Acting City Auditor Lai Cluff, and City Clerk Ben Lane

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilwoman Littlefield.

**MAYOR'S REPORT**

Mayor Ortega called attention to the ongoing wars in foreign countries as they fight to protect their democracy and freedom and asked for a moment of silent reflection for these war-torn countries.

Mayor Ortega explained the City was mourning the loss of Fire Captain Kory Yule. The Mayor expressed the City's deepest condolences to the Yule Family and the Scottsdale Fire Department.

Mayor Ortega announced that today was National Law Enforcement Appreciation Day and thanked the Scottsdale Police Department and partner law enforcement agencies around the valley for all they do in keeping our community safe.

Mayor Ortega recognized Joan Fudala and presented her with a proclamation designating her as the official Scottsdale Historian.

**CITY MANAGER'S REPORT**

- **Fast Five Video Update**
- **Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.**

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

City Manager Jim Thompson introduced a “Fast Five” video produced by the City’s Communications Office which provided updates on several City events and offerings.

## PRESENTATIONS/INFORMATION UPDATES

- **Arizona Anti-Trafficking Network Award Presentation**  
**Presenter(s):** Jeff Walther, Police Chief and Nate Boulter, Arizona Anti-Trafficking Network CEASE Program Director  
**Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.**

Arizona Anti-Trafficking Network CEASE Program Director Nate Boulter presented the Arizona Anti-Trafficking Network Award to the city of Scottsdale.

## PUBLIC COMMENT

- Miss Scottsdale Tiffany Ellington thanked the City Council for making Scottsdale a great place to live and explained her responsibilities as Miss Scottsdale.
- Dan Ishac commented on Susan Wood’s current events discussion group noting the group should be allowed to use city meeting spaces. He also noted comments made about councilmembers during the group’s recent meeting.
- Bob Pejman discussed issues with Civic Center parking and the 2019 Bond Program, noting the 2015 Parking Study should be updated.
- Brent Bieser commented about the challenges he is facing regarding an S-R zoned property located at Scottsdale Road and Vista Drive and the parking issues with the hotel across the street in the Town of Paradise Valley.
- Jason Alexander discussed the Street Transportation Department’s December 2023 report regarding lane reductions and road additions and enhancements.

Councilwoman Littlefield responded to public comments made by Dan Ishac.

## MINUTES

**Request:** Approve the following Council meeting minutes from November and December 2023:

- a. **Regular Meeting and Work Study Session Minutes of November 20, 2023**
- b. **Regular Meeting Minutes of December 4, 2023**
- c. Executive Session Minutes of December 4, 2023

## MOTION AND VOTE - MINUTES

Councilwoman Janik made a motion to approve the Regular Meeting and Work Study Session Minutes of November 20, 2023; Regular Meeting Minutes of December 4, 2023; and Executive Session Minutes of December 4, 2023. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

## CONSENT AGENDA

1. **Bandolero Mexican Restaurant Liquor License (82-LL-2023)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 8977 N. Scottsdale Road, Suite 500

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

**2. Los Milics Vineyards Liquor License (84-LL-2023)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 19 (remote tasting room) State liquor license for a new location and owner.

**Location:** 4151 N. Marshall Way, Suite 5

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

**3. Sereno Canyon Phase 2AA Abandonment (4-AB-2018#2)**

**Request:** Adopt **Resolution No. 13007** authorizing the abandonment of the eastern 25-foot half-street fee-simple right-of-way located along N. 122<sup>nd</sup> Street, adjacent to Parcel Nos. 217-01-512 and 217-01-513 with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning, totaling approximately 12,682 square feet of right-of-way.

**Location:** Generally located on the southeast corner of the E. Mariposa Grande Drive alignment and N. 122<sup>nd</sup> Street intersection

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

(Moved to Regular Agenda, see page 7)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

**4. Preserve IV Abandonment (8-AB-2022)**

**Request:** Adopt **Resolution No. 13004** authorizing the abandonment of the portions of the N. 120<sup>th</sup> Street alignment, N. 122<sup>nd</sup> Street alignment, E. Mariposa Grande Drive alignment, and E. Pinnacle Peak Road alignment, adjacent to Parcel No. 217-01-013 with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning, totaling approximately 179,742 square-feet of right-of-way.

**Location:** Generally located between the N. 120<sup>th</sup> Street and N. 122<sup>nd</sup> Street alignments; between E. Pinnacle Peak Road and E. Mariposa Grande Drive

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

(Moved to Regular Agenda, see page 7)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

**5. Preserve IV Subdivision Final Plat (4-PP-2022)**

**Request:** Approve the final plat for a new residential subdivision comprised of 12 lots and 3 tracts on a ±40-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning.

**Location:** Generally located between the N. 120<sup>th</sup> Street and N. 122<sup>nd</sup> Street alignments; between E. Pinnacle Peak Road and E. Mariposa Grande Drive

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

(Moved to Regular Agenda, see page 7)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

**6. Troon Highlands Estates Abandonment (10-AB-2022) and Use Restriction Agreement Requests:**

1. Adopt **Resolution No. 13005** authorizing the abandonment of the portions of the N. 120th Street alignment, E. Pinnacle Peak Road alignment, and N. 122nd Street alignment, adjacent to Parcel Nos. 217-09-020B, 217-09-020C, and 217-08-059 with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) and Single-Family Residential, Environmentally Sensitive Lands (R1-18ESL/HD/HDC) zoning, totaling approximately 116,747 square-feet of right-of-way.
2. Adopt **Resolution No. 13006** authorizing:
  - a. Use Restriction Agreement No. 2024-001-COS with 18-Acres, LLC, and Troon Highlands Estates HOA, Inc.
  - b. The City Manager, or designee, to execute other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.

**Location:** General located on the southwest corner of the E. Pinnacle Peak Road alignment and the N. 122<sup>nd</sup> Street alignment intersection

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

(Moved to Regular Agenda, see page 7)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

**7. On-Call Structural Design Engineering Services Contracts**

**Request:** Adopt **Resolution No. 13009** authorizing the following on-call structural design engineering services contracts for two-years with the option to extend for three additional one-year periods, in an amount not to exceed \$1,500,000 for the initial two-year term of each contract:

1. Contract No. 2024-002-COS with Caruso Turley Scott, Inc.
2. Contract No. 2024-003-COS with Gannett Fleming, Inc.
3. Contract No. 2024-004-COS with Kimley-Horn and Associates, Inc.
4. Contract No. 2024-005-COS with POINT Engineers, LLC

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

**8. WagsCap Outdoor Dining Patio Revocable License Agreement Amendment**

**Request:** Adopt **Resolution No. 13017** authorizing Outdoor Dining Patio Revocable License Agreement No. 2013-183-COS-A2, a five-year extension to the agreement with WagsCap, LLC, for an outdoor dining patio use on City property.

**Location:** 7323 E. Shoeman Lane

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

**9. Citywide Electrical Construction Services Job Order Contract Extensions**

**Request:** Adopt **Resolution No. 13019** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,500,000 per contract, for citywide electrical (Water Resources electrical systems) construction services:

1. Contract No. 2020-008-COS-A3 with Keller Electrical Industries, LLC
2. Contract No. 2020-009-COS-A3 with Rosendin Electric, Inc.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

**10. Citywide General Landscape Services Job Order Contract Extensions**

**Request:** Adopt **Resolution No. 13020** authorizing the following one-year job order contract extensions, in an amount not to exceed \$2,000,000 per contract, for citywide general landscape services:

1. Contract No. 2020-004-COS-A3 with DBA Construction, Inc.
2. Contract No. 2020-005-COS-A3 with Landscapes Unlimited, LLC
3. Contract No. 2020-019-COS-A3 with Valley Rain Construction Corporation

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555,  
[daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

**11. Citywide Vegetation Management and Wildland Fire Fuels Reduction Services Job Order Contracts**

**Request:** Adopt **Resolution No. 13021** authorizing the following job order contracts for two years with the option to extend for three additional one-year periods, in an amount not to exceed \$4,000,000 for the initial two-year term of each contract, for citywide vegetation management and wildland fire fuels reduction services:

1. Contract No. 2024-019-COS with ArborWorks LLC
2. Contract No. 2024-020-COS with Artistic Land Management, Inc.
3. Contract No. 2024-021-COS with Birrueta Reforestation, Inc., LLC

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555,  
[daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

**12. Water Resources Development Act (WRDA) Section 214 Memorandum of Agreement**

**Request:** Adopt **Resolution No. 13022** to authorize:

1. Memorandum of Agreement No. 2024-022-COS with the United States Army Corps of Engineers for execution of a WRDA Section 214 Agreement.
2. The City Manager, or designee, to execute such documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555,  
[daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

**13. Airport Apron Lighting Improvements Project Construction Bid and Budget Transfers**

**Request:** Adopt **Resolution No. 12991** to authorize:

1. Construction Bid Award No. IFB-072023-104 with Legacy Wireless Services, Inc., in the amount of \$262,270, to construct airport apron lighting improvements at the Scottsdale Airport.
2. A Fiscal Year 2023/24 Aviation Fund Capital Contingency Budget Appropriation Transfer, of up to \$45,000, to be funded by the Aviation Fund.
3. A Fiscal Year 2023/24 Aviation Future Grants Capital Contingency Budget Appropriation Transfer, of up to \$267,484 (\$254,968-Federal and \$12,516-State) to be funded by the respective Grant Funds.

**Location:** 15000 N. Airport Drive

**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735,  
[gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)

**14. Future Collector Car Show Event Funding**

**Request:** Adopt **Resolution No. 13010** to authorize:

1. Funding, not to exceed \$37,500, from the portion of the Fiscal Year 2023/24 Tourism Development Fund that is allocated toward event retention and development for the Future Collector Car Show.

2. Event Funding Agreement No. 2024-006-COS with Barrett-Jackson Auction Co.  
**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890,  
[kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
- 15. Parada del Sol Parade and Trail's End Festival Event Funding**  
**Request:** Adopt **Resolution No. 13011** to authorize:
1. Funding, not to exceed \$162,500, from the portion of the Fiscal Year 2023/24 Tourism Development Fund that is allocated toward event retention and development for the Parada del Sol Parade and Trail's End Festival.
  2. Event Funding Agreement No. 2024-007-COS with the Parada del Sol Historic Parade.  
**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890,  
[kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
- 16. Water Code Amendment (Additional Remedies for Collection of Delinquent Utility Accounts)**  
**Request:** Adopt **Ordinance No. 4617** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal; Article II, Municipal Water System; Division 2, User Rates and Charges, by adding new section, 49-57.1, Additional Legal Remedies for the City, to authorize additional collection methods of delinquent utility accounts through liens and offset of state income tax refunds or other monies, such as lottery, casino, or gambling winnings.  
**Staff Contact(s):** Whitney Pitt, Business Services Director, 480-312-5925,  
[wpitt@scottsdaleaz.gov](mailto:wpitt@scottsdaleaz.gov)
- 17. Water Code Amendment (Updating Eligibility Requirements for Leak Adjustments)**  
**Request:** Adopt **Ordinance No. 4620** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal; Article II, Municipal Water System; Division 2, User Rates and Charges, amending section, 49-46, Adjustments for defective meters, leaks, etc., updating eligibility requirements for leak adjustments.  
**Staff Contact(s):** Whitney Pitt, Business Services Director, 480-312-5925,  
[wpitt@scottsdaleaz.gov](mailto:wpitt@scottsdaleaz.gov)
- 18. Human Resources Management Code Amendment**  
**Request:** Adopt **Ordinance No. 4621** amending Scottsdale Revised Code, Chapter 14, Human Resources Management; Article VI, Benefits, by amending Section 14-102, Employee Group Insurance, to provide for employer contributions to the post-employment health plan.  
**Staff Contact(s):** Monica Boyd, Human Resources Director, 480-312-2615,  
[mboyd@scottsdaleaz.gov](mailto:mboyd@scottsdaleaz.gov)

City Manager Jim Thompson gave a presentation on the proposed Human Resources Management Code Amendment.

### **MOTION AND VOTE – CONSENT AGENDA**

Councilwoman Littlefield requested additional information on Item 18 [Human Resources Management Code Amendment].

There was no public comment on the Consent Agenda items.

Vice Mayor Whitehead made a motion to approve Consent Agenda Items 1 through 18, except Item 3 [Sereno Canyon Phase 2AA Abandonment (4-AB-2018#2)]; Item 4 [Preserve IV

Abandonment (8-AB-2022)]; Item 5 [Preserve IV Subdivision Final Plat (4-PP-2022)]; and Item 6 [Preserve IV Subdivision Final Plat (10-AB-2022) and Use Restriction Agreement] which were moved to the Regular Agenda. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

## **REGULAR AGENDA**

### **3. Sereno Canyon Phase 2AA Abandonment (4-AB-2018#2)**

**Request:** Adopt **Resolution No. 13007** authorizing the abandonment of the eastern 25-foot half-street fee-simple right-of-way located along N. 122<sup>nd</sup> Street, adjacent to Parcel Nos. 217-01-512 and 217-01-513 with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning, totaling approximately 12,682 square feet of right-of-way.

**Location:** Generally located on the southeast corner of the E. Mariposa Grande Drive alignment and N. 122<sup>nd</sup> Street intersection

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

Senior Planner Jesus Murillo gave a PowerPoint presentation (attached) on Item 3 [Sereno Canyon Phase 2AA Abandonment (4-AB-2018#2)]; Item 4 [Preserve IV Abandonment (8-AB-2022)]; Item 5 [Preserve IV Subdivision Final Plat (4-PP-2022)]; and Item 6 [Preserve IV Subdivision Final Plat (10-AB-2022) and Use Restriction Agreement].

Mayor Ortega opened public comment on these items.

- Speaking on Item 3, Scottsdale resident Michael Husar supported the Sereno Canyon Phase 2AA Abandonment and opposed the access road on Alameda.
- Speaking on Item 3, Scottsdale resident Beverly Effendi opposed the access road on Alameda.

Mayor Ortega closed public comment on these items.

### **MOTION NO. 1 – ITEMS 3, 4, 5, AND 6**

Mayor Ortega made a motion to approve Items 3, 4, 5, and 6. Councilwoman Caputi seconded the motion.

### **ALTERNATE MOTION – ITEMS 3, 4, 5, AND 6**

Councilwoman Janik made an alternate motion for a continuance to a later date. Councilmember Graham seconded the motion. Councilwoman Janik later withdrew the alternate motion and Councilmember Graham rescinded his second.

Applicant for Item 6 Steve Rennekar gave a presentation on the proposed Troon Highlands Estates Abandonment and Use Restriction Agreement.

Applicant Representative for Item 3 Colin Phipps, with Toll Brothers, gave a PowerPoint presentation (attached) on the proposed Sereno Canyon Phase 2AA Abandonment.

Applicant Representative for Item 3 Daniel Benson, with Toll Brothers, gave a presentation on the proposed Sereno Canyon Phase 2AA Abandonment.

**MOTION NO. 1 AND VOTE - ITEMS 3, 4, 5 AND 6**

The Council then voted on Mayor Ortega's original motion to approve Items 3, 4, 5 and 6 which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik and Littlefield voting in the affirmative.

**4. Preserve IV Abandonment (8-AB-2022)**

**Request:** Adopt **Resolution No. 13004** authorizing the abandonment of the portions of the N. 120<sup>th</sup> Street alignment, N. 122<sup>nd</sup> Street alignment, E. Mariposa Grande Drive alignment, and E. Pinnacle Peak Road alignment, adjacent to Parcel No. 217-01-013 with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning, totaling approximately 179,742 square-feet of right-of-way.

**Location:** Generally located between the N. 120<sup>th</sup> Street and N. 122<sup>nd</sup> Street alignments; between E. Pinnacle Peak Road and E. Mariposa Grande Drive

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

**5. Preserve IV Subdivision Final Plat (4-PP-2022)**

**Request:** Approve the final plat for a new residential subdivision comprised of 12 lots and 3 tracts on a ±40-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) zoning.

**Location:** Generally located between the N. 120<sup>th</sup> Street and N. 122<sup>nd</sup> Street alignments; between E. Pinnacle Peak Road and E. Mariposa Grande Drive

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.

**6. Troon Highlands Estates Abandonment (10-AB-2022) and Use Restriction Agreement Requests:**

1. Adopt **Resolution No. 13005** authorizing the abandonment of the portions of the N. 120<sup>th</sup> Street alignment, E. Pinnacle Peak Road alignment, and N. 122<sup>nd</sup> Street alignment, adjacent to Parcel Nos. 217-09-020B, 217-09-020C, and 217-08-059 with Single-Family Residential, Environmentally Sensitive Lands (R1-130/ESL) and Single-Family Residential, Environmentally Sensitive Lands (R1-18ESL/HD/HDC) zoning, totaling approximately 116,747 square-feet of right-of-way.

2. Adopt **Resolution No. 13006** authorizing:

a. Use Restriction Agreement No. 2024-001-COS with 18-Acres, LLC, and Troon Highlands Estates HOA, Inc.

b. The City Manager, or designee, to execute other documents and take such other actions as necessary to carry out the intent of this Resolution and Agreement.

**Location:** General located on the southwest corner of the E. Pinnacle Peak Road alignment and the N. 122<sup>nd</sup> Street alignment intersection

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

**NOTE:** Items 3, 4, 5, and 6 were presented and voted on as a group.



**19. Swags Rezoning (2-ZN-2023)**

**Requests:**

1. Adopt **Ordinance No. 4610** approving a zoning district map amendment from Central Business Parking Downtown Overlay (C-2/P-3 DO) to Downtown/Downtown Multiple Use Type-3 Parking Downtown Overlay (D/DMU-3 P-3 DO) with amended development standards for a new three-story restaurant on a ±0.29 gross acre site.
2. Adopt **Resolution No. 12938** declaring the document titled "*Swags Amended Development Standards*" to be a public record.

**Location:** 7323 E. Shoeman Lane

**Presenter(s):** Bryan Cluff, Planning and Development Area Manager

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

Planning and Development Area Manager Bryan Cluff gave a PowerPoint presentation (attached) on the proposed Swags Rezoning.

Applicant representative Court Rich, with the Rose Law Group, gave a PowerPoint presentation (attached) on the proposed Swags Rezoning.

Mayor Ortega opened public comment on this item.

- Sonnie Kirtley, with the Coalition of Greater Scottsdale, spoke in support of Swags Rezoning.
- Tim LaSota, with the Law office of Timothy A. LaSota, spoke on behalf of his clients and their opposition to the Swags Rezoning.
- Lissa Druss spoke in opposition to the Swags Rezoning.

Mayor Ortega closed public comment on this item.

Applicant Aaron Wagner discussed the proposed stipulation for the third-floor bar service area.

**MOTION AND VOTE – ITEM 19**

Councilwoman Janik made a motion to:

1. Adopt Ordinance No. 4610 approving a zoning district map amendment from Central Business Parking Downtown Overlay (C-2/P-3 DO) to Downtown/Downtown Multiple Use Type-3 Parking Downtown Overlay (D/DMU-3 P-3 DO) with amended development standards for a new three-story restaurant on a ±0.29 gross acre site with the proposed added stipulation that "With the exception of drink preparation areas for wait staff, there shall be no bar service area permitted on the third floor."
2. Adopt Resolution No. 12938 declaring the document titled "*Swags Amended Development Standards*" to be a public record.

Vice Mayor Whitehead seconded the motion, which failed 4/3 for lack of the legal protest super majority vote requirement, with Vice Mayor Whitehead and Councilmembers Caputi, Durham and Janik voting in the affirmative; and Mayor Ortega and Councilmembers Graham and Littlefield dissenting.

**PUBLIC COMMENT**

No public comments were received.

## CITIZEN PETITIONS

### 20. Receipt of Citizen Petitions

**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):** Ben Lane, City Clerk, 480-312-2411, [blane@scottsdaleaz.gov](mailto:blane@scottsdaleaz.gov)

No citizen petitions were received.

## MAYOR AND COUNCIL

### 21. Initiate City Council Review of the Development Review Board's December 7, 2023 Decision Regarding The Artisan (11-DR-2023)

**Request:** At the request of Mayor Ortega, consider whether to initiate a formal City Council review of the Development Review Board's December 7, 2023, decision, which approved a site plan, landscape plan, building elevations, and Public Art locations for a new mixed-use development with 81 dwelling units and ±5,000 square feet of commercial floor in ±100,000 square feet of total building area on a ±40,440 square foot site with Downtown/Downtown Multiple Use, Type-2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) and Downtown/Downtown Core, Type-1, Planned Block Development, Downtown Overlay (D/DC-1 PBD DO) zoning.

**Location:** Southwest corner of E. Indian School Road and N. Marshall Way

**Note:** The only Council action to be taken on Item No. 21 is a decision on whether to initiate a formal City Council review of the Development Review Board's December 7, 2023 Decision Regarding The Artisan (11-DR-2023), which would then be scheduled for a future Council meeting. Therefore, no public comment will be taken at this time.

Mayor Ortega noted the applicant made modifications to the project which were reviewed and accepted by staff. For this reason, Mayor Ortega did not make a motion on this item.

## MOTION AND VOTE – ADJOURNMENT

Vice Mayor Whitehead made a motion to adjourn the Regular Meeting. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

## ADJOURNMENT

Mayor Ortega adjourned the Regular Meeting at 8:03 P.M.

## SUBMITTED BY:



Ben Lane, City Clerk

Officially approved by the City Council on February 6, 2024

**C E R T I F I C A T E**

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 9<sup>th</sup> day of January 2024.

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

**DATED** this 6<sup>th</sup> day of February 2024.



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**Ben Lane, City Clerk**



**Preserve IV Abandonment (Sereno Canyon 2AA)**

**8-AB-2022 (4-AB-2022)**

(4-PP-2022)

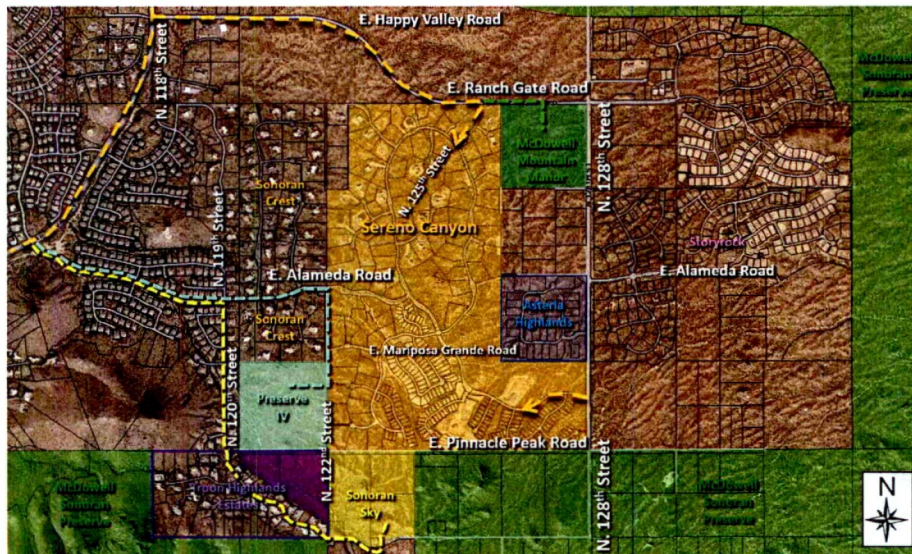
(6-MD-2022)

**City Council  
January 9, 2024**

**Coordinator: Jesús Murillo**

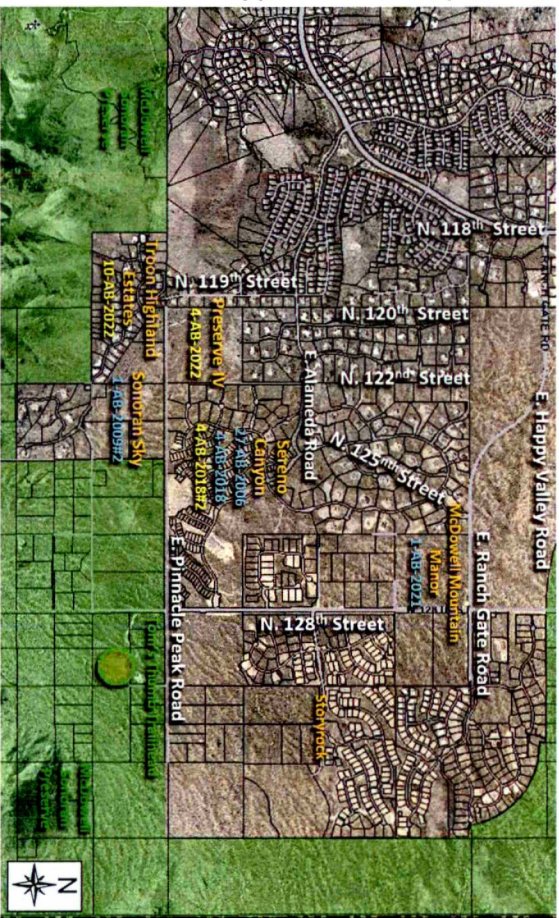
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Context Aerial - Access Routes



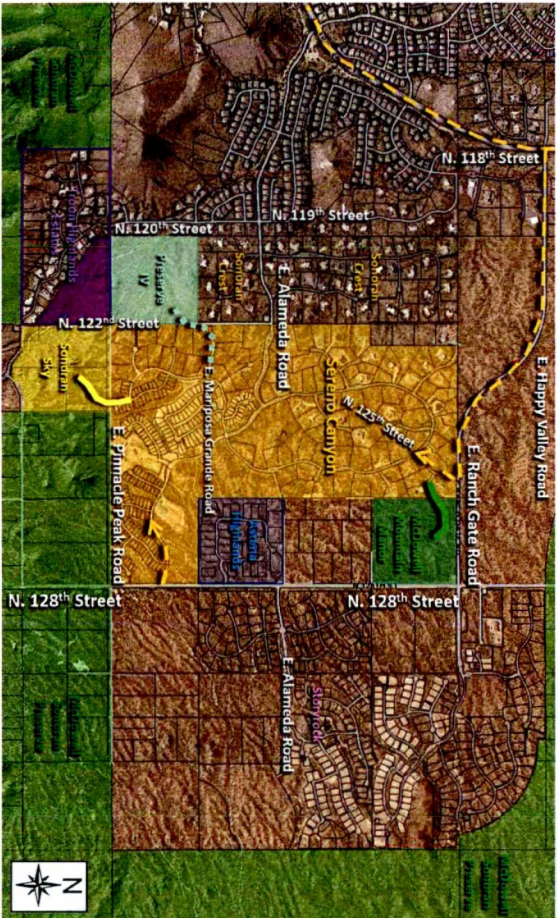
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Abandonments – Approved and Proposed



3

Context Aerial - Access Routes



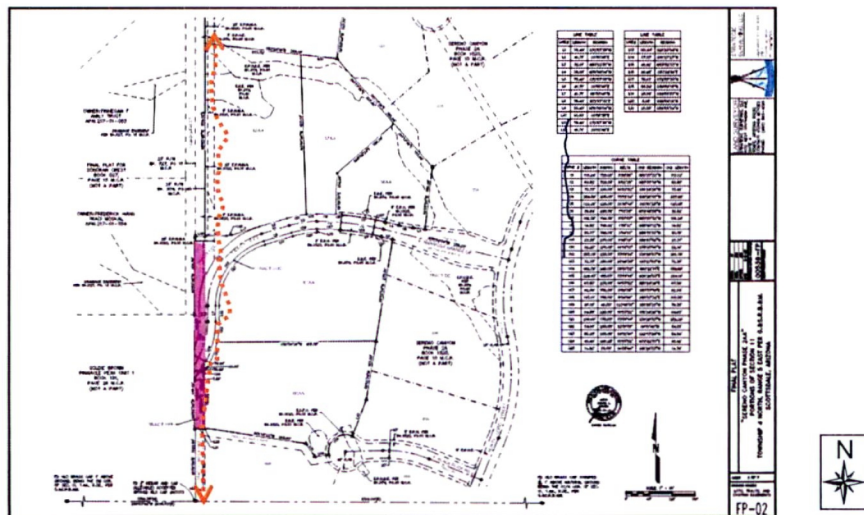
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Aerial Close-Up

8-AB-2022, 4-AB-2018#2, and 10-AB-2022

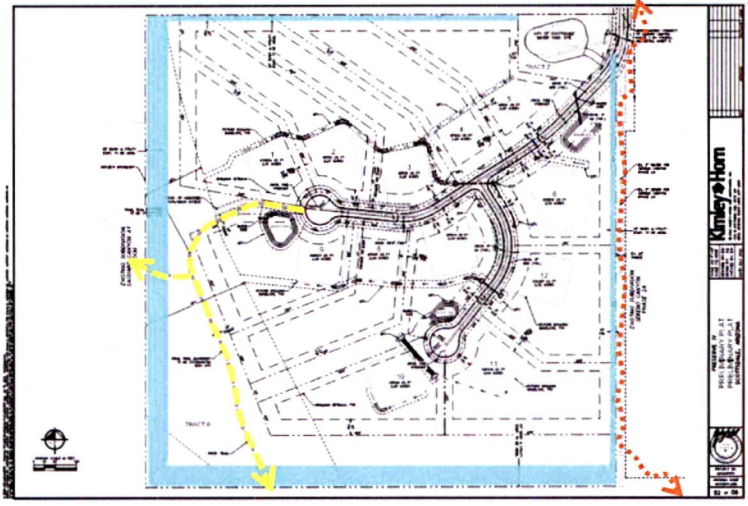
5



Sereno Canyon Phase 2AA Preliminary Plat

4-AB-2018#2 (6-MD-2022)

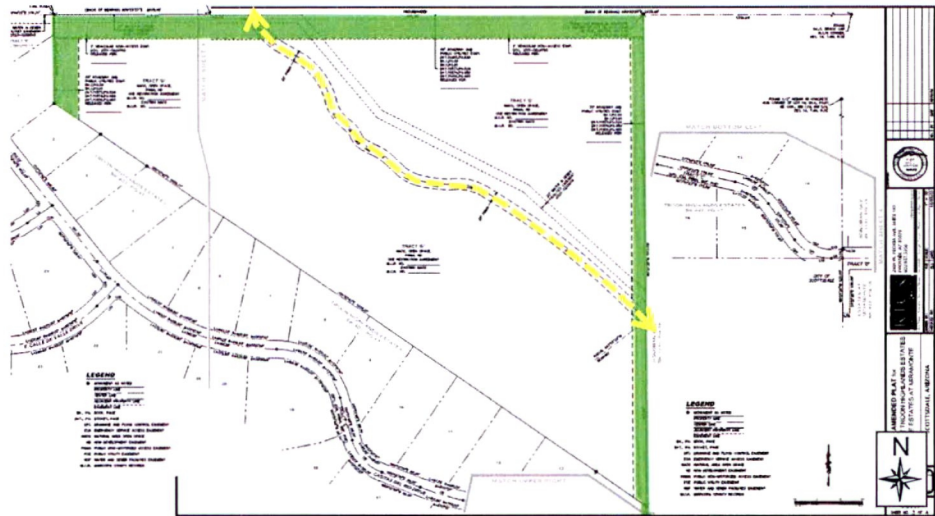
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Preserve IV Preliminary Plat

8-AB-2022 (4-PP-2022)

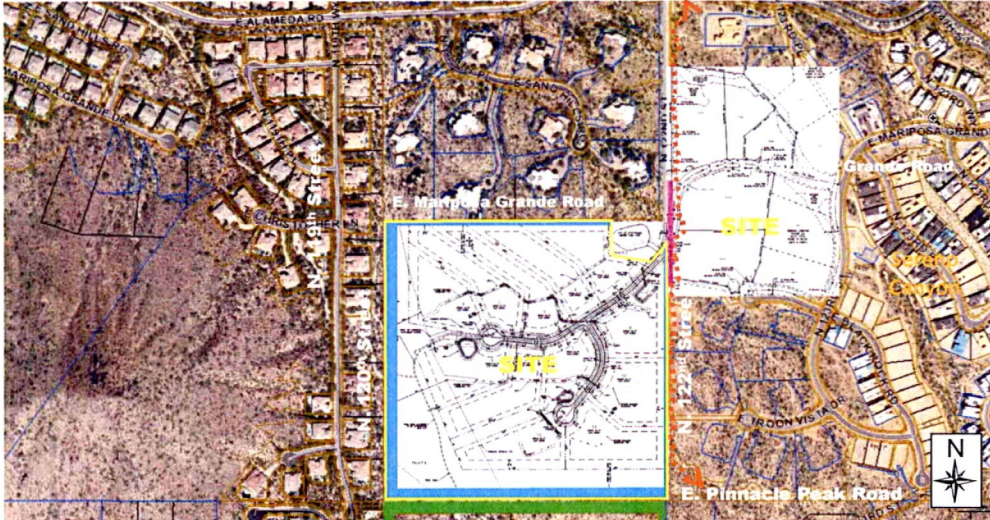
7



Troon Highlands Estates Preliminary Plat

10-AB-2022 (9-MD-2022)

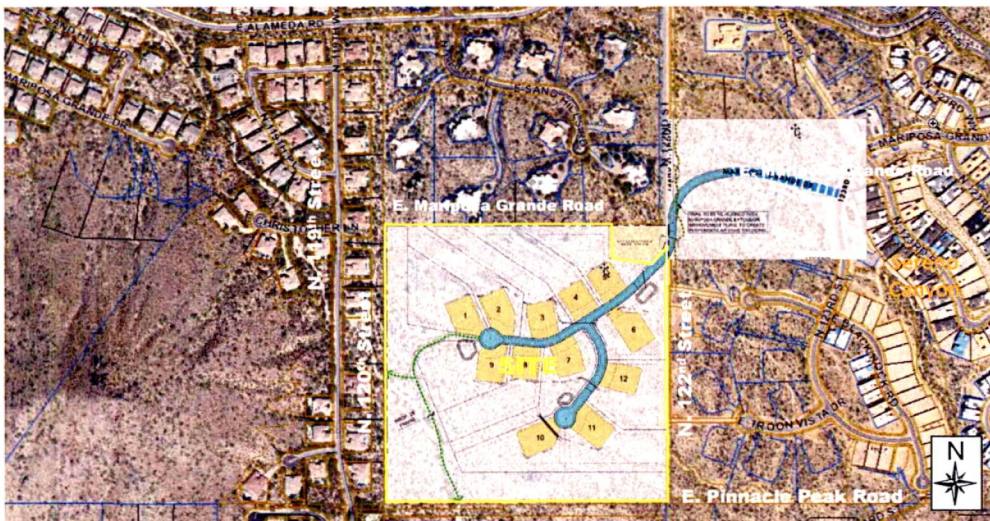
8



Associated Preliminary Plats and Abandonment Areas

8-AB-2022 and 4-AB-2018#2

9

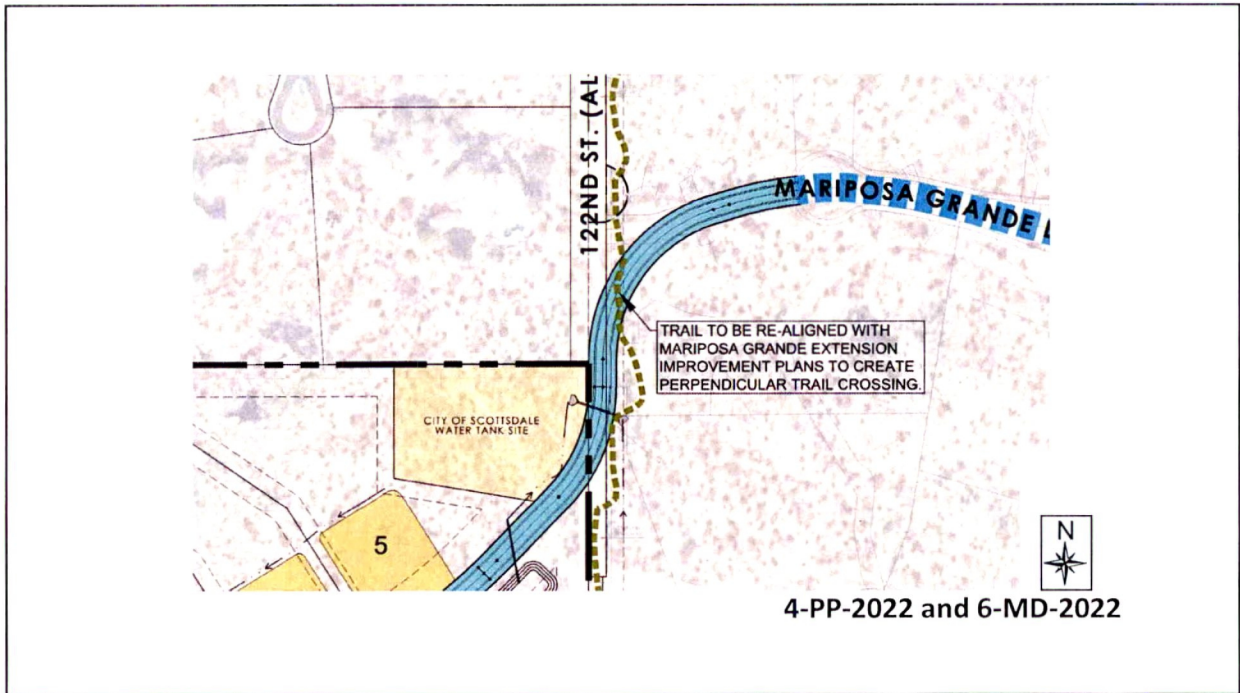


Associated Preliminary Plats and Abandonment Areas

8-AB-2022 and 4-AB-2018#2

10





11

## Key Items For Consideration

Final Plat (4-PP-2022) associate with proposed abandonment case (8-AB-2022).

Preliminary Plat (6-MD-2022) associate with proposed abandonment case (4-AB-2018#2).

Staff received communications in support and opposition to the requested applications.

12

## **Action Requested (4-PP-2022)**

- Development Review Board heard this case as a preliminary plat request on September 15, 2022, and voted to approve with a 5-0 vote.
- Staff recommends that the City Council approve the Preserve IV final plat:
  1. Recordation of Resolution No. 13004 (8-AB-2022)

13

## **Action Requested (4-AB-2018#2)**

- Planning Commission heard this case on December 13, 2023, and recommended approval with a 7-0 vote.
- Adopt Resolution No. 13004 to abandon the portions of the N. 120th Street alignment, N. 122nd Street alignment, E. Mariposa Grande Drive alignment, and E. Pinnacle Peak Road alignment adjacent to parcel no. 217-01-013, located at the northwest corner of the E. Pinnacle Peak Road alignment and the N. 122nd Street alignment, totaling approximately 179,742 square-feet of right-of-way:
  1. The property owner will record the Sereno Canyon Phase 2AA final plat.
  2. The property owner pay to the city the combined total amount of \$65,946.40 as compensation to the city for the abandonment of right-of-way.

14

## **Action Requested (8-AB-2022)**

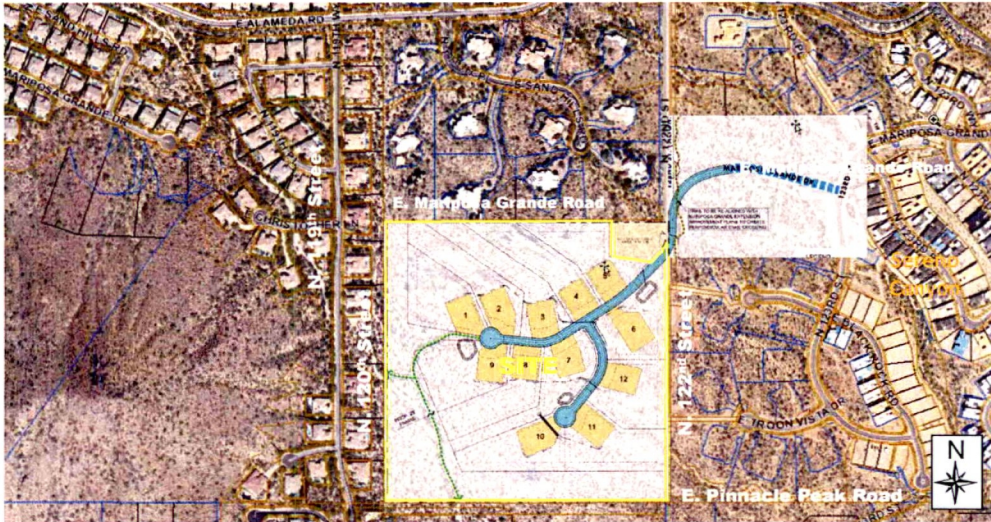
- Planning Commission heard this case on December 13, 2023, and recommended approval with a 7-0 vote.
- Adopt Resolution No. 13005 to abandon the portions of the N. 120<sup>\*^</sup> Street alignment, E. Pinnacle Peak Road alignment, and the N. 122nd Street alignment adjacent to parcel numbers 217-09-020B, 217-09-020C, and 217-08-059, located at the southwest corner of the E. Pinnacle Peak Road alignment and the N. 122nd Street alignment, totaling approximately 116,747 square-feet of right-of-way:
  1. The property owner will record the Preserve IV final plat.
  2. The property owner shall pay to the City \$499,682.76 as compensation to the City for the abandonment of rights-of-way.

15

## **Action Requested (10-AB-2022)**

- Planning Commission heard this case on December 13, 2023, and recommended approval with a 7-0 vote.
- Adopt Resolution No. 13005 to abandon the portions of the N. 120<sup>^</sup> Street alignment, E. Pinnacle Peak Road alignment, and the N. 122nd Street alignment adjacent to parcel numbers 217-09-020B, 217-09-020C, and 217-08-059, located at the southwest corner of the E. Pinnacle Peak Road alignment and the N. 122nd Street alignment:
  1. The property owner shall pay to the City an amount to be determined as compensation to the City for the abandonment of the subject right-of-way (\$26,100).
  2. The property owner shall record a replat combining the existing Troon Highlands Estates final plat and the two of the three subject parcels, case 9-MD-2022. The third parcel is already described in the existing Troon Highlands Estates final plat.
  3. The property owner shall record a Use Restriction Agreement.
- Adopt Resolution No. 13006 authorizing a "Use Restriction Agreement" No. 2024-001-COS.

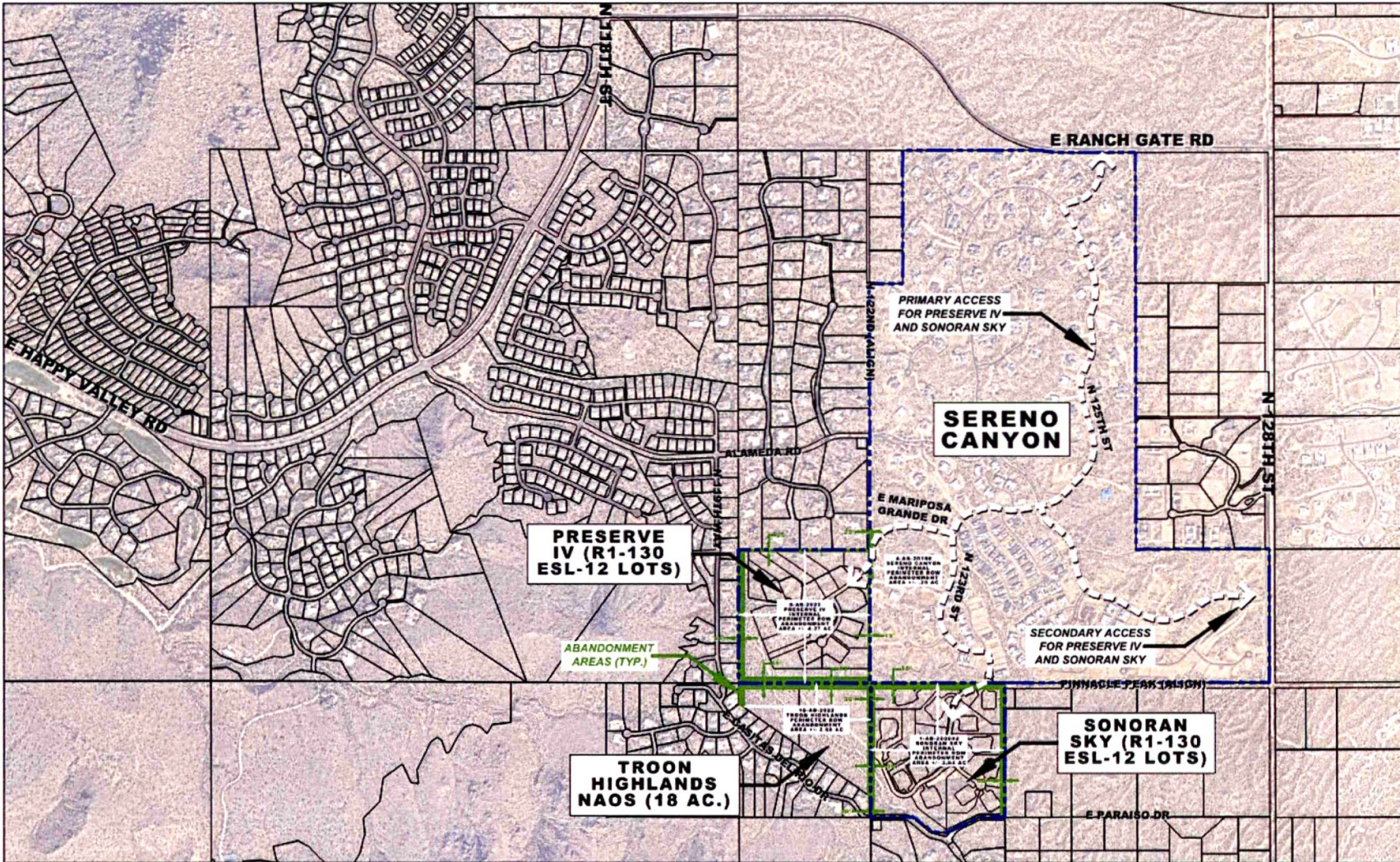
16



**Associated Preliminary Plats and Abandonment Areas**

8-AB-2022 and 4-AB-2018#2

# Items 3,4,5,6 Applicant



**Swags**

**2-ZN-2023**

**City Council  
January 9, 2024**

**Coordinator: Bryan Cluff**

1

**Request**

- Adopt Ordinance No. 4610 approving a zoning district map amendment from C-2/P-3 DO to D/DMU-3 P-3 DO with amended development standards, for a new 3-story restaurant on a +/- 0.29 gross acre site located at 7323 E. Shoeman Lane.
- Adopt Resolution No. 12938 to declare “Swags Amended Development Standards” as a public record.

2

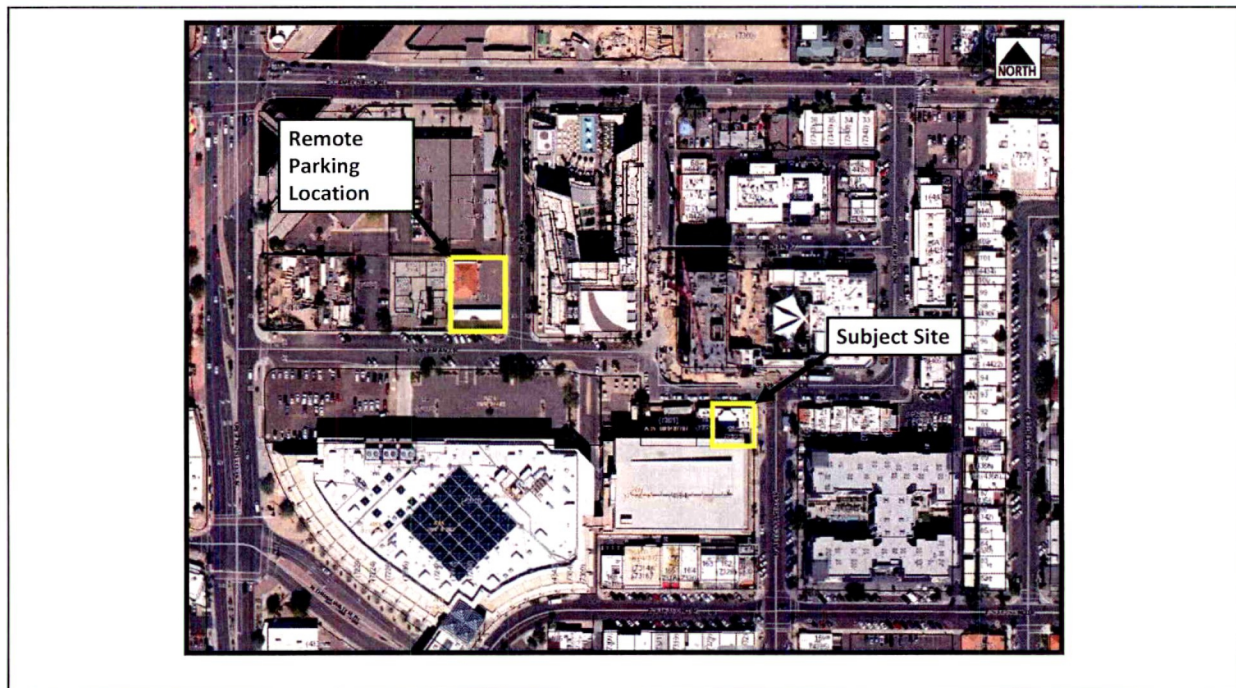
## Continuance 12/4/2023

- Direction to work toward a private solution with neighboring property owner regarding land use
- Provide more information regarding private parking agreement to add to packet

### Updates:

- Received updated private parking agreement (14 spaces)
- Owner has agreed to remove the bar from 3<sup>rd</sup> floor
- Additional public comment in support

3

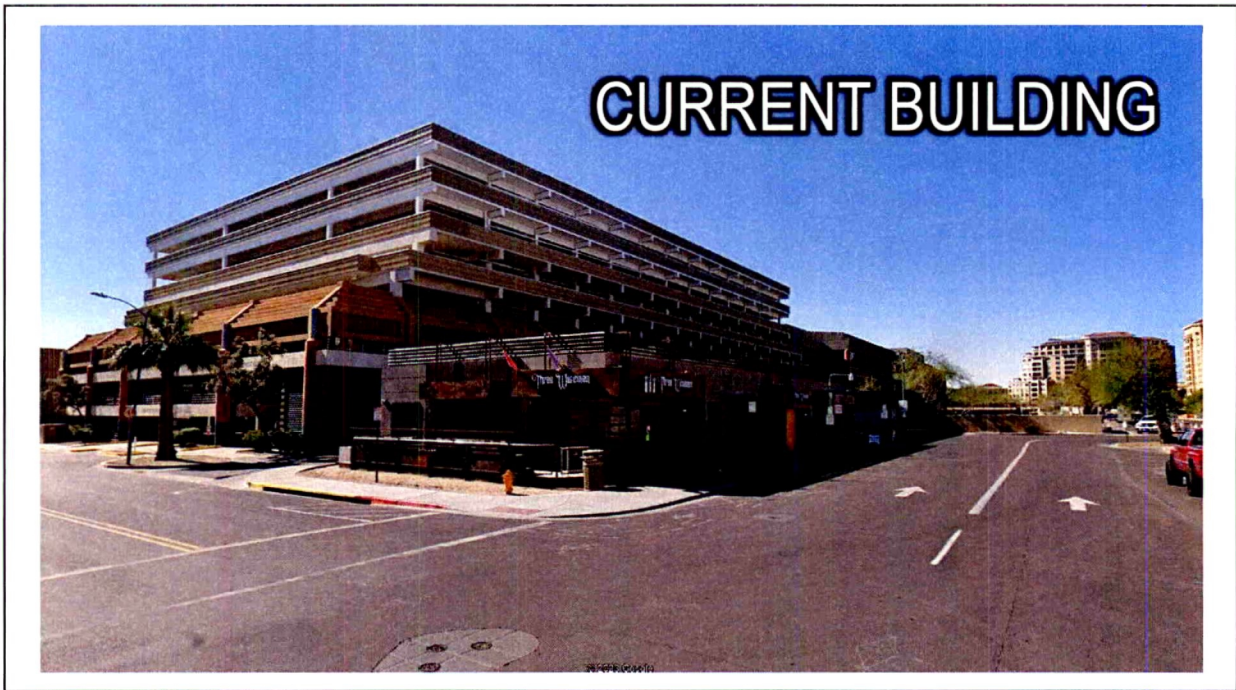


4

# Item 19 Applicant



1



2



New High-End Restaurant Downtown from National Restaurant Operator, Wags Capital



3



4

## Dealings with Neighbor:

- Prior to first Council meeting Applicant engaged in 3 hour face to face meeting
- Agreement was reached: Swags would propose 3 stipulations and our neighbor would remove the Legal Protest
- Swags proposed the 3 stipulations and *our neighbor reneged on the agreement and refused to withdraw the Legal Protest*

From: tim timlasota.com <tim@timlasota.com>  
Sent: Friday, December 1, 2023 8:46 AM  
To: Jennifer Hall <JHall@roselawgroup.com>  
Cc: BCluff@scottsdaleaz.gov; Curtis, Tim <tcurtis@scottsdaleaz.gov>; Court Rich <CRich@roselawgroup.com>; Jordan R. Rose <jrose@roselawgroup.com>  
Subject: Re: SWAGS (Case #2-ZN-2023) IMPORTANT UPDATE!

Thank you Jenn. That is accurate. My clients are withdrawing their formal protest. You will also receive a letter to this effect shortly.

Thanks, Tim  
Sent from my iPhone

To be clear, these two stipulations will be in addition to and not in replacement of the stipulations that our client has already agreed to and which are included in our staff report.

Mr. La Sota will be providing written notice to you that his client has withdrawn their legal protest and will be submitting a letter of support as well. Please let us know if you have any questions and thank you for all your help with this Application.

Thank you and please let us know if you have any questions.

5

## Dealings with Neighbor:

- Prior to first Council meeting Applicant engaged in 3 hour face to face meeting
- Agreement was reached: Swags would propose 3 stipulations and our neighbor would remove the Legal Protest
- Swags proposed the 3 stipulations and *our neighbor reneged on the agreement and refused to withdraw the Legal Protest*
- Since the continuance we have spoken at least 3 times with our neighbor's attorney
  - \*They are demanding a deed restriction
  - \*A deed restriction creates a property interest in real estate
  - \*Unreasonable to provide a competitor an interest in your property
- Numerous accommodations to limit noise:

### 1) Strictest noise stipulation of any restaurant in Scottsdale

6

## Stipulation 8 - NOISE

**8. NOISE. In addition to the City's Noise Ordinance** (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent with the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. Noise levels from this establishment **shall not exceed 68 decibels** when measured from the east side of N. Wells Fargo Avenue, and/or the north side of E. Shoeman Lane.

**\*68 decibels is the noise of a normal conversation**

7

## Dealings with Neighbor:

- Prior to first Council meeting Applicant engaged in 3 hour face to face meeting
- Agreement was reached: Swags would propose 3 stipulations and our neighbor would remove the Legal Protest
- Swags proposed the 3 stipulations and *our neighbor reneged on the agreement and refused to withdraw the Legal Protest*
- Since the continuance we have spoken at least 3 times with our neighbor's attorney
  - \*They are demanding a deed restriction
  - \*A deed restriction creates a property interest in real estate
  - \*Unreasonable to provide a competitor an interest in your property
- Numerous accommodations to limit noise:
  - 1) Strictest noise stipulation of any restaurant in Scottsdale**
  - 2) Stipulated to have speakers point inward and angle down**

8

## Stipulation 9 – EXTERNAL SPEAKERS

**9. EXTERNAL SPEAKERS.** Any external speakers shall be mounted and oriented so they face downward and toward the interior of the establishment.

9

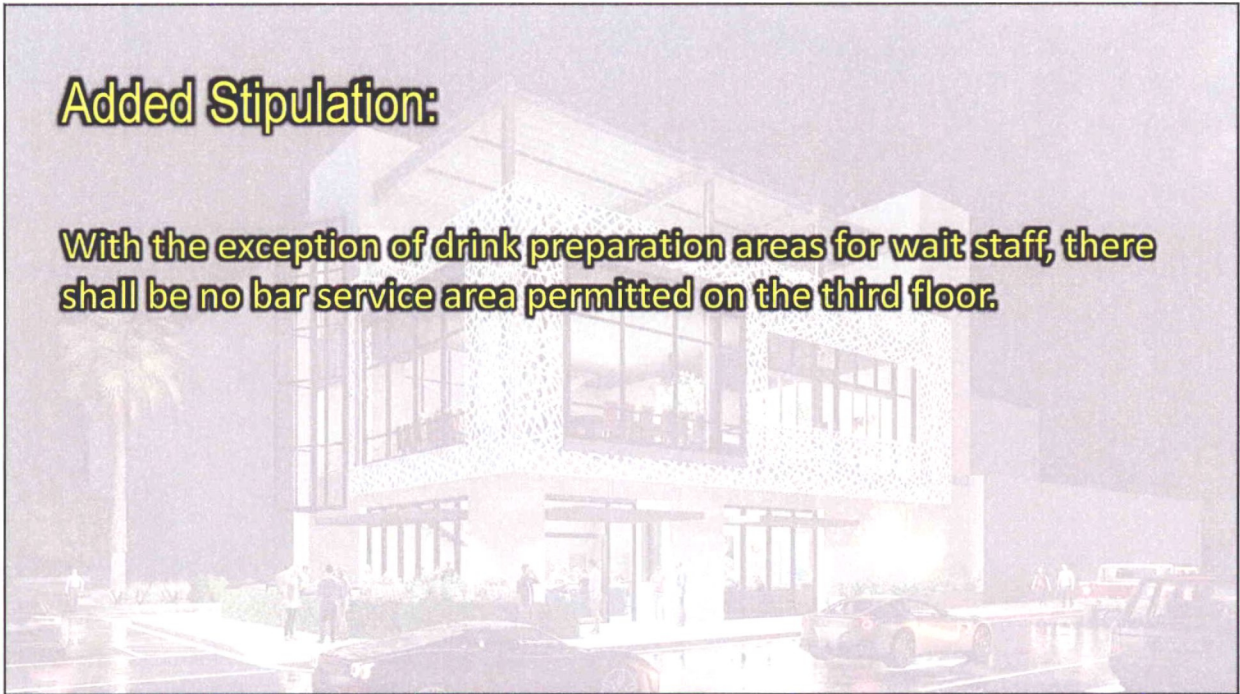
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- Prior to first Council meeting Applicant engaged in 3 hour face to face meeting
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  - \*A deed restriction creates a property interest in real estate
  - \*Unreasonable to provide a competitor an interest in your property
- Numerous accommodations to limit noise:
  - 1) Strictest noise stipulation of any restaurant in Scottsdale**
  - 2) Stipulated to have speakers point inward and angle down**
  - 3) Stipulating to remove bar from third floor**

10

## **Added Stipulation:**

**With the exception of drink preparation areas for wait staff, there shall be no bar service area permitted on the third floor.**



11

## **Swags is a Restaurant:**

1) Modification: Floor plan modifications eliminate bar on 3<sup>rd</sup> floor



12

## Swags is a Restaurant:

- 1) Modification: Floor plan modifications eliminate bar on 3<sup>rd</sup> floor
- 2) No bar CUP



13

## Swags is a Restaurant:

- 1) Modification: Floor plan modifications eliminate bar on 3<sup>rd</sup> floor
- 2) No bar CUP
- 3) Does Not have parking for a bar use



14

## **Swags is a Restaurant:**

- 1) Modification: Floor plan modifications eliminate bar on 3<sup>rd</sup> floor
- 2) No bar CUP
- 3) Does Not have parking for a bar use
- 4) Does Not have a Series 6 (bar) liquor license



15

## **Swags is a Restaurant:**

- 1) Modification: Floor plan modifications eliminate bar on 3<sup>rd</sup> floor
- 2) No bar CUP
- 3) Does Not have parking for a bar use
- 4) Does Not have a Series 6 (bar) liquor license
- 5) Design consistent with other high-end restaurants with physical bars on the inside



16



17



18

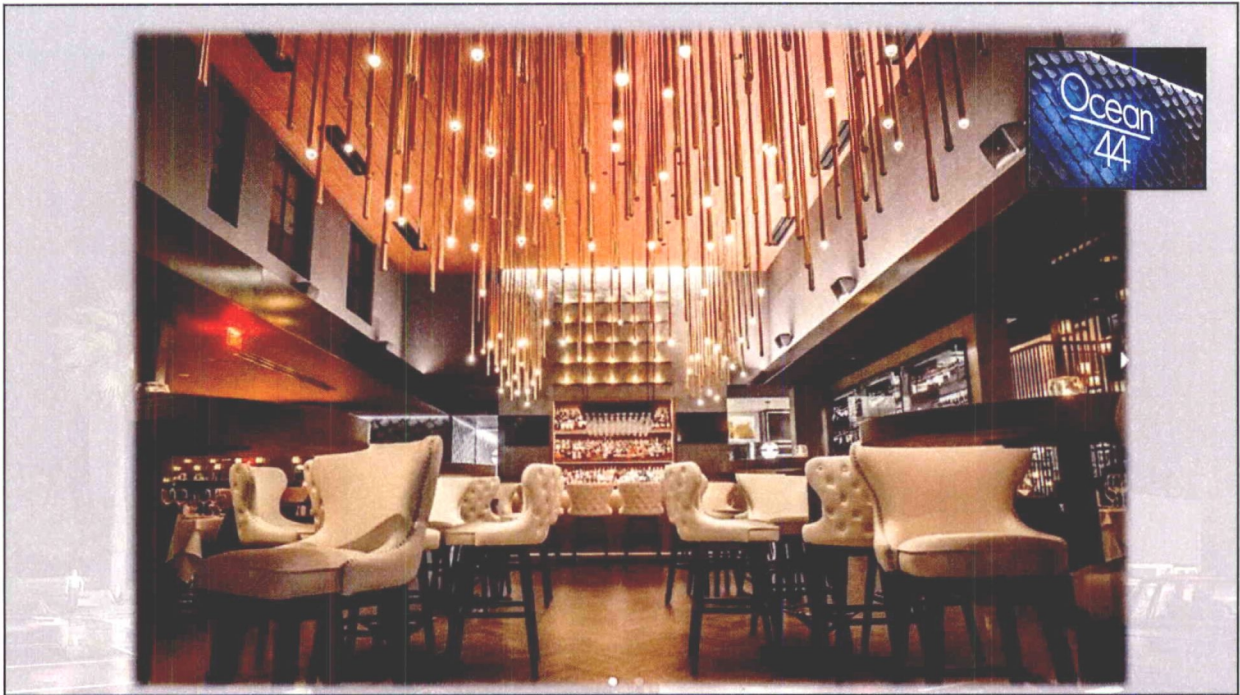




19

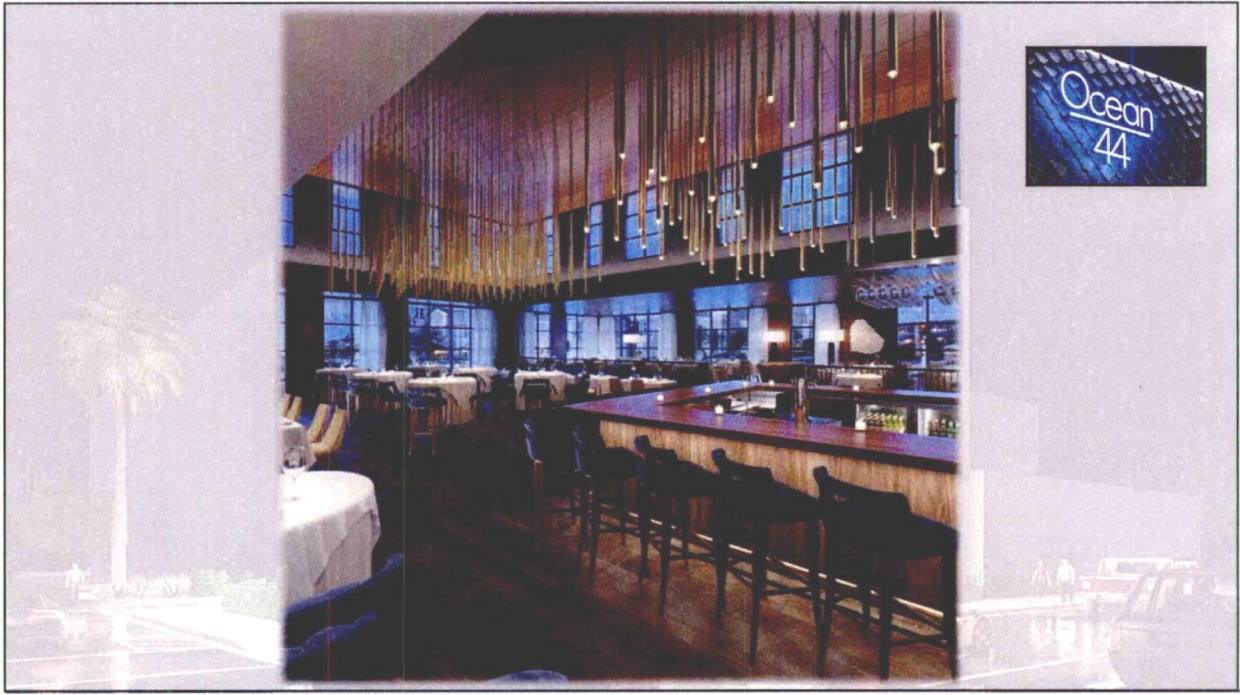


20



Ocean  
44

21



Ocean  
44

22



23



24



25



26



27

## Swags is a Restaurant:

- 1) Modification: Floor plan modifications eliminate bar
- 2) No bar CUP
- 3) Does Not have parking for a bar use
- 4) Does Not have a Series 6 (bar) liquor license
- 5) Design consistent with other high-end restaurants inside
- 6) Full Restaurant Menu

## SWAGS

---

### TO SHARE

CHIPS & CAVIAR <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	40.00	1/2 DOZEN OYSTERS <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	70.00
AS WAGYU PASTRAMI <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	40.00	HAMACHI SASHIMI <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	35.00
GRILLED BONE MARROW <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	50.00	TRUFFLE CORN <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	22.00
LOBSTER MAC & CHEESE <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	45.00	CRISPY TACOS <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	32.00

### TO DEVOUR

SLIDER TRIO <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	30.00	HALF CHICKEN <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	48.00
BRANZINO <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	52.00	SHORT RIB PASTY <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	60.00
LOBSTER SUSHI ROLL <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	30.00	MILK BRISSED PORK <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	52.00
SHRIMP WAGYU SUSHI ROLL <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	35.00	AS WAGYU <small>hand-cut french fries, soft cheese, caviar, house sauce</small>	198.00

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# SWAGS EXCEEDS PARKING REQUIREMENT

**Required:**

**30.52 Spaces**

On-site:

8 Spaces

P-3 Credits:

18.49 Spaces

In-lieu Paid:

4 Spaces

Exclusive Physical Spaces within 475 ft:

14 Spaces

Exclusive Valet Spaces within 475 ft:

9 Spaces

**Total Provided Exceeds Code: 53.49 Spaces**

GALLERIA Next Door:

187 Public spaces spaces

+200 Valet weekend spaces

29



30



31

# WIDESPREAD PUBLIC SUPPORT

We, the undersigned, live or work in Downtown Scottsdale and fully support the proposal for a sophisticated new restaurant on the east side of Scottsdale Road. SWAGS will bring a high-end unique dining experience to this area of the city and will enhance the site by replacing a bar with a stylish full service restaurant.

**We strongly encourage the Planning Commission and City Council to approve Case# 2-2N-2023!**

NAME	BUSINESS OR ADDRESS	PHONE/EMAIL	WILLING TO SPEAK AT PUBLIC HEARING?
		Alexandra@rcty.com	maybe
		480-854-6557	maybe
		pho3nuxvanden@gmail.com	
		480-529-1780	
Cather Clay	Cather's Hair Studio	CatherClay@aol.com	maybe
Heusa Nelson	7319 E. Stetson	3127931-7507	NO
Jason Mann	7509 E Stetson	2523524932	

We, the undersigned, live or work in Downtown Scottsdale and fully support the proposal for a sophisticated new restaurant on the east side of Scottsdale Road. SWAGS will bring a high-end unique dining experience to this area of the city and will enhance the site by replacing a bar with a stylish full service restaurant.

**We strongly encourage the Planning Commission and City Council to approve Case# 2-2N-2023!**

NAME	BUSINESS OR ADDRESS	PHONE/EMAIL
Aeril Lindsay	Viva Therapy	480-508-8492
Lacey McFadden	Viva Therapy	(541) 224-1190

We, the undersigned, live or work in Downtown Scottsdale and fully support the proposal for a sophisticated new restaurant on the east side of Scottsdale Road. SWAGS will bring a high-end unique dining experience to this area of the city and will enhance the site by replacing a bar with a stylish full service restaurant.

**We strongly encourage the Planning Commission and City Council to approve Case# 2-2N-2023!**

NAME	BUSINESS OR ADDRESS	PHONE/EMAIL	WILLING TO SPEAK AT PUBLIC HEARING?
Kolton Maestas	The KIT Extension Svl	480-729-4544	NO
Madelyn Dasini	Cather's Hair Studio	480-528-4165	NO
Coeliss Saw	Cather's Hair Studio	480-815-3108	NO
Ryan Miorovich	Clubs Makay	352-444-0118	NO
Michelle	Gloss Monkey	480-938-0831	NO
DAVID LAUREANO	CUT THROUGH STREET SHOP	602-487-4794	NO
Ashley Setz	Stone Cold Fox	434-433-4425	NO
Micaela Mohabat	Camden Old Town Scottsdale	480-949-4242	NO
Leslie Gray	Anden Old Town Scottsdale	480-949-9242	NO

We, the undersigned, live or work in Downtown Scottsdale and fully support the proposal for a sophisticated new restaurant on the east side of Scottsdale Road. SWAGS will bring a high-end unique dining experience to this area of the city and will enhance the site by replacing a bar with a stylish full service restaurant.

**We strongly encourage the Planning Commission and City Council to approve Case# 2-2N-2023!**

NAME	BUSINESS OR ADDRESS	PHONE/EMAIL
Colton Keough	Emerald tattoo	Colton.Keough@gmail.com
Michelle Velmar	Plutt Bar	728-310-4430
Micaela Suarez	Micaela J Hair	602-530-4001
Rosey Lawrence	Olya Window Studio	(609) 944-2578
Phan Chiglar	BBV Salon	480-874-8897
DANIE GRIMMOND	WFS	480-424-7271
LYNDA O'DAY	Sweet Dees Bakeshop	(480) 994-6733
Grace Crumby	Len Rose	928-261-0591
Sofie Johnson	RETSY	630-450-3528
LINDSEY POTRANARD	RETSY	480-747-7117

32

COMMUNITY

RE: Case 2-ZN-2023 - Support for Swags a Social Eatery and concern about arbitrary City action

Mayor Ortega and City Councilmembers,

I am writing to express my support for the proposed restaurant, Swags a Social Eatery, and also to express my concern and outrage that the City is risking devaluing my property and the hundreds of other properties with similar zoning by ignoring its longstanding laws around parking. I am the longtime owner of the office building located at 4330 N. Civic Center Plaza which is just over 400' away from where Swags seeks to open its doors. While I am certain I speak for many in the area when I express support for the addition of a fine dining establishment to an area that is otherwise populated by raucous bars (who would be against a restaurant?), I do have grave concerns for the way the City is contemplating completely discounting its parking rules and regulations to potentially deny this application. If the City denies the Swags application, every landowner in the area with similar zoning will see a loss in property value as their parking rights are stripped away. I am shocked that the City is considering an action that will cause such broad harm to the community and I fear very few people understand what is going on and what is at risk.

The restaurant proposal relies on a mix of physical parking spaces and parking credits to meet its required parking. The key is that the proposal does meet the parking requirements. There are hundreds of properties, just like mine, downtown that rely on these very same parking credits to form the basis of their developability and current value. The Swags restaurant relies on these well-established credits for some of its parking, but despite this routine compliance with City requirements, the City is contemplating denying the use, arguing parking is the reason.

It's really simple, if a proposal meets the parking code, the City should not be denying the proposal based on a lack of parking. The possible denial of this parking-compliant restaurant proposal is the definition of arbitrary government and something every Scottsdale landowner should be concerned about. There are numerous old or aging office complexes surrounding my office property that rely on these parking credits. If the City simply ignores its current lawful parking code and refuses to support the adopted parking ordinances, then it will be near impossible to ever improve or expand upon these parking credits. To be clear, if the City unlawfully ignores its entire parking code, it will lose all hope of getting City approval for anything that requires parking credits. The City is now ignoring its longstanding parking credits and I am forever unable to expand or improve their properties in the area would be similarly impacted by this, but I can assure you that if I had the other owners in the area would be similarly impacted and perplexed by your actions.

The City has a parking code that is designed to be followed. It is not the City's job to arbitrarily ignore parking credits in this case. And by doing so, the City is putting every property owner in the area at risk.

dining establishment in its downtown area surrounded by hotels and other bars? This entire situation makes no sense and I respectfully request that you signal your continued allegiance to the laws of the City, uphold the parking credit system on which hundreds of properties rely, and approve a restaurant in a location that makes all the sense in the world.

*Robert Kiyosaki*  
R.J. Kiyosaki  
Jan 8, 2024

**SUPPORT from Robert Kiyosaki  
4330 N Civic Center Plaza**

33

COMMUNITY

Swags - Case #2-ZN-2023- Letter of support

Dear Mayor Ortega, Councilmembers, and City Staff,

I am writing to express my support for the proposed Swags restaurant you will be considering on your January 9, 2024, council agenda. I must admit I am surprised to see any controversy at all about a proposal to place a high-end restaurant in this location. I am the owner of the Cala Restaurant just around the corner from this site and I welcome the addition of more upscale and creative eateries to this area.

I have long been involved in the food and beverage industry in Scottsdale and am very familiar with the historic controversies around bar uses, however I am not sure I have ever seen a controversy about a restaurant. The building on this site today is an eyesore and there can be no controversy about that. This eyesore sits at the south entrance to the Entertainment District and we should not be welcoming visitors to the area with this ugly building. If we do not have to build a new restaurant on this site, we should be demolishing it and redeveloping the area into a beautiful building proposed for this site is beautiful and can single handedly transform the south end of the Entertainment District from a rundown almost seedy little area to an area that is welcoming to visitors and presents as a positive instead of a negative.

I find this controversy unfortunate and note that the proposed building meets the City's parking code and sits at a height dramatically lower than the surrounding buildings and the parking garage to which it backs. This Council has done an excellent job responding to the City's citizens and their needs by redirecting development to appropriate uses and by limiting height and density. In this case, there is no citizen backlash against restaurants to which you would be responding by voting no on this application and there is no height or density to avoid. In fact, it seems likely that if asked, the citizens of Scottsdale would much prefer a new restaurant to a new bar in this location in the Entertainment District, and let's face it, the best use for this small parcel in this location is either a bar or a restaurant. So, I ask that you support this application and take the first step in removing this ugly eyesore and improving the area with an uncontroversial restaurant use.

Kindest Regards,

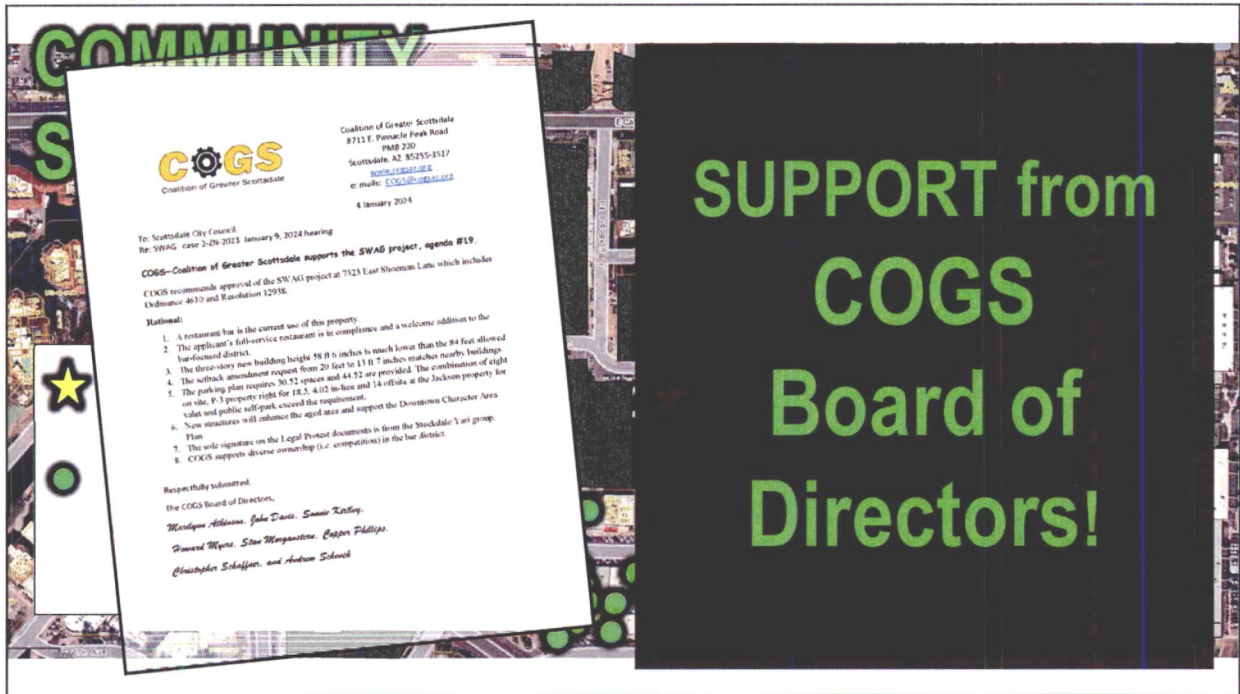
MIKIS TROYAN  
Co-Founder - Managing Partner | Clive Collective  
602 501.1277 | mikis@clive.com | www.clive.com

CLIVE COLLECTIVE Money Baby! CALA RESTAURANT

**SUPPORT from  
Mikis Troyan  
Owner  
CALA Restaurant**

34





35



36