

SCOTTSDALE

CITY COUNCIL MEETING

***** AMENDED *** MEETING NOTICE AND AGENDA**

[ADDED ITEM No. 18A]



COUNCIL

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

Linda Milhaven
Guy Phillips
Solange Whitehead

Wednesday, December 4, 2019

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 (January 14, 2020).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:03 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 Whitehead

Invocation – Pastor David Joynt, Valley Presbyterian

Mayor's Report – Mayor Lane announced that the League of American Bicyclists certified the City as a Gold Level Bicycle Friendly Community.

Presentations/Information Updates – None

Public Comment – Norwood Sisson expressed concern about police visits and police records.

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."**



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

MINUTES

Request: Approve the [Special Meeting Minutes of November 12, 2019](#), [Regular Meeting Minutes of November 12, 2019](#), and Executive Session Minutes of November 12, 2019.

– Councilman Phillips made a motion to approve the Special Meeting Minutes of November 12, 2019; Regular Meeting Minutes of November 12, 2019; and Executive Session Minutes of November 12, 2019. Councilwoman Klapp 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.

CONSENT AGENDA ITEMS 1-18

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 18A. Councilman Phillips 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.

- [Khazana Indian Bistro Liquor License \(75-LL-2019\) – 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 for an existing location with a new owner.
Location: 8140 N. Hayden Rd., Suite H115
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Wine Girl Liquor License \(76-LL-2019\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 7 (beer and wine bar) State liquor license for a new location and owner.
Location: 4205 N. Scottsdale Rd.
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Hospitality Store Liquor License \(88-LL-2019\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.
Location: 7037 E. 6th St.
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
- [Gopuff Liquor License \(89-LL-2019\) – Approved on Consent.](#)**
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9 (liquor store) State liquor license for a new location and owner.
Location: 1465 N. Hayden Rd., Suite 150
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. **Kona Grill Liquor License (90-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 for an existing location with a new owner.
Location: 7014 E. Camelback Rd., Suite 559
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
6. **Storyrock Plat Phase 1A (9-MD-2019) – Approved on Consent**
Request: Approve the re-plat for Storyrock Phase 1A, Section D5, to modify the lot sizes on the recorded plat to .3±-acre for Lot 1 and Lot 2, with Single-Family Residential, Planned Community Development, Environmentally Sensitive Lands (R1-18-PCD ESL) zoning.
Location: Northwest Corner of 130th Street and Ranch Gate Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
7. **Archaeological Services Contracts – Approved on Consent.**
Requests: Authorize the following one-year contracts, with the option to extend the contracts for four additional one-year terms, in an amount not to exceed \$10,000 per contract for archaeological services:
 1. Adopt **Resolution No. 11633** authorizing Contract No. 2019-186-COS with Archaeological Consulting Services, Ltd.
 2. Adopt **Resolution No. 11634** authorizing Contract No. 2019-187-COS with Desert Archaeology, Inc.
 3. Adopt **Resolution No. 11635** authorizing Contract No. 2019-188-COS with Logan Simpson Design, Inc.**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov
8. **Solid Waste Management Code Amendment – Approved on Consent.**
Request: Adopt **Ordinance No. 4430** amending Scottsdale Revised Code, Chapter 24, Solid Waste Management, to clarify enforcement of violations through civil citations.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
9. **Wireless License Agreement with Sprint Spectrum – Approved on Consent.**
Request: Adopt **Resolution No. 11629** authorizing Agreement No. 2019-182-COS with Sprint Spectrum L.P. permitting the continued operation of a wireless site on the northeast corner of Scottsdale and Cactus roads.
Location: 12225 N. Scottsdale Rd.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
10. **Loloma Area Terminations and Releases of Covenants and Restrictions – Approved on Consent.**
Request: Adopt **Resolution No. 11657** to authorize a termination and release of covenants and restrictions in the vicinity of and including the Museum Square Project (Loloma Area) for:
 1. Contract 2010-189-COS-E1-A1 with Arts District Group, LLC, and Arts District Development I, LLC.
 2. Contract No. 2010-189-COS-E2-A2 with Gateway at Main St. Plaza Scottsdale Condominium Association.**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
11. **Bicycle and Pedestrian Safety Education and Enforcement Grant – Approved on Consent.**
Request: Adopt **Resolution No. 11648** to authorize:
 1. Agreement No. 2019-198-COS with the Arizona Governor's Office of Highway Safety to accept a grant in the amount of \$50,000 for overtime costs related to bicycle and pedestrian safety education and enforcement.
 2. A budget transfer in the amount of \$50,000 from the FY 2019/20 Future Grants Budget and/or Grant Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov

12. [South Corporation Yard Revocable License Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 11614** authorizing Agreement No. 2019-175-COS with RTW Management, Inc., for the use of space at the South Corporation Yard.
Location: 7601 E. McKellips Rd.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
13. [Safe Routes to School Coordinator Grant – Approved on Consent.](#)
Request: Adopt **Resolution No. 11636** to authorize the acceptance of two, one-year Transportation Alternatives Program federal grants in the total amount of \$94,297, with a local match requirement of \$5,700 funded with operating Transportation Sales Tax, for a total program cost of \$99,997 to fund an existing part-time, temporary Safe Routes to School Coordinator in the Transportation Department and purchase incentive items for students.
Staff Contact(s): Daniel Worth, Public Works Director, 480-312-5555, dworth@scottsdaleaz.gov
14. [Arizona Public Service Agency Portal Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 11655** authorizing Contract No. 2019-202-COS with Arizona Public Service Company to provide emergency services to eligible Scottsdale APS customers under the Community Action Program.
Staff Contact(s): Greg Bestgen, Human Services Department Director, 480-312-0104, gbestgen@scottsdaleaz.gov
15. [Nationwide Realty Investors Ltd. Economic Development Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 11659** authorizing Agreement No. 2018-063-COS-A1 with Nationwide Realty Investors Ltd. to add a full-service hotel in Phase II and eliminate the select service hotels in Phases II and III.
Staff Contact(s): Rob Millar, Economic Development Director, 480-312-2533, rmillar@scottsdaleaz.gov
16. [Proposition 202 Funds Acceptance Intergovernmental Agreement – Approved on Consent.](#)
Request: Adopt **Resolution No. 11619** to authorize:
 1. Agreement No. 2019-176-COS with Salt River Pima-Maricopa Indian Community to accept Proposition 202 Tribal Gaming Funds in the amount of \$1,190,443.21.
 2. A budget transfer in the amount of \$700,000 from the adopted FY 2019/20 Grant Contingency and/or the Future Grants Budget to a newly created cost center to record the grant activity.**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, blundahl@scottsdaleaz.gov
17. [Audit Committee Recommendation for the Transportation Commission Sunset Review – Approved on Consent.](#)
Request: Adopt **Resolution No. 11656** accepting the Audit Committee's recommendation and authorizing continuation of the Transportation Commission.
Staff Contact(s): Sharron Walker, City Auditor, 480-312-7867, swalker@scottsdaleaz.gov
18. [The Satanic Temple and Michelle Shortt v. City of Scottsdale, et al., Legal Fees – Approved on Consent.](#)
Request: Adopt **Resolution No. 11658** authorizing the maximum legal fees to be incurred in Contract No. 2015-023-COS with Dickinson Wright PLLC, in an amount not to exceed a total of \$130,000 for the defense of *The Satanic Temple and Michelle Shortt v. City of Scottsdale et al.*, CV 18-00621-PHX-DGC currently pending in the United States District Court for the District of Arizona.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
- ***18A. [Mason v. City of Scottsdale et al. Legal Fees – Approved on Consent. \(NOTE: Scrivener's Error – Correct Resolution No. 11661\)](#)
Request: Adopt **Resolution No. 11660** authorizing legal fees to be incurred in Contract No. 2015-035-COS with the law firm of Wieneke Law Group, in an amount not to exceed \$100,000 for the defense of *Mason v. City of Scottsdale et al.*, Cause No. CV2018-009579 and CV2019-01239, currently pending in Maricopa Superior Court.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

REGULAR AGENDA ITEMS 19-21

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.**

19. [Rose Garden Termination Agreement](#)

Request: Adopt **Resolution No. 11660** authorizing Contract No. 2019-203-COS, the termination and release of development agreements and declarations of restrictions and related documents for properties in the vicinity of 5th Avenue and Goldwater Boulevard, with Rose Garden LLC.

Presenter(s): Dan Worth, Public Works Director

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

20. [Southbridge Two \(22-ZN-2018, 19-AB-2018, and 4-DA-2019\)](#)

ITEM 20 PART 1

ITEM 20 PART 2

Request(s):

1. Find that the Planned Block Development Overlay Criteria have been met and determine that the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan; and adopt **Ordinance No. 4422** approving a Zoning District Map Amendment from Central Business, Downtown Overlay (C-2 DO) and Downtown/Retail Specialty – Type 1, Downtown Overlay (D/RS-1 DO) to Downtown/Downtown Core – Type 1, Planned Block Development Downtown Overlay (D/DC-1 PBD DO), Downtown/Downtown Multiple Use – Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) and Downtown/Downtown Multiple Use – Type 3, Planned Block Development, Downtown Overlay (D/DMJ-3 PBD DO), including approval of a Development Plan, with amended development standards, for a mixed-use development on a 9.94±-acre site.
2. Adopt **Resolution No. 11575** declaring “Southbridge Two Development Plan” to be a public record.
3. Adopt **Resolution No. 11577** (Site A), **Resolution No. 11578** (Site C), **Resolution No. 11579** (Site D), and **Resolution No. 11646** (Portico) to abandon multiple alley and other rights-of-way to allow development of a large, mixed-use development, with various zoning districts.
4. Adopt **Resolution 11576** authorizing Development Agreement No. 2019-164-COS.
5. Adopt **Resolution 11649** authorizing Rose Garden Real Property Purchase and Sale Agreement Contract No. 2019-199-COS with Scottsdale Canal Project, LLC, for the acquisition of City property of approximately 54,076 square feet located west of N. Goldwater Boulevard and north of 5th Avenue, commonly known as the Rose Garden parking lot, in the amount of \$8,000,000.

Locations: Near the intersections of E 5th Avenue and N. Marshall Way, E. 5th Avenue and N. Goldwater Boulevard, E. 5th Avenue and N. Scottsdale Road, E. 6th Avenue and E. Stetson Drive, and other rights-of-way locations include alleys between E. 5th Ave. and the Arizona Canal west of N. Goldwater Blvd., between E. 5th Avenue, and the Arizona Canal east of Goldwater Blvd. to E. Stetson Drive, between 7132 and 7138 E. 5th Ave., and between E. 6th Ave. and E. Stetson Drive.

Presenter(s): Brad Carr, Principal Planner

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

– **Presentations from Principal Planner Brad Carr, Applicant Representative Jordan Rose, and Applicant Carter Unger.**

– **Councilwoman Milhaven made a motion to:**

- (1) Approve Item 19 by adopting Resolution No. 11660, authorizing Contract No. 2019-203-COS, the termination and release of development agreements; and
- (2) Approve Item 20 as amended in the posted materials for this item in the memo dated December 3, 2019, from Tim Curtis to the Mayor and Council, including that memo’s

attachments, by finding that the planned block development overlay criteria have been met and determining that the proposed zoning district map amendment is consistent and conforms with the adopted general plan; adopting Ordinance No. 4422 approving a zoning map amendment; adopting Resolution No. 15575 declaring "Southbridge Two Development Plan" to be a public record; adopting Resolution No. 11577, Resolution No. 15578, Resolution No. 11579, and Resolution No. 11646 to abandon multiple alley and other rights-of-way to allow development; adopting Resolution No. 15576 authorizing Development Agreement No. 2019-164-COS; and adopting Resolution No. 11649 authorizing Rose Garden Real Property Purchase and Sale Agreement Contract No. 2019-199-COS. Mayor Lane seconded the motion, which carried 4/3, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven voting in the affirmative, and Vice Mayor Littlefield and Councilmembers Phillips and Whitehead dissenting.

Public Comment Note: Item Nos. 19 and 20 will be presented together. Speakers will be given one opportunity to address the Council on one or both items.

21. [2020 State Legislative Agenda](#)

Request: Consider approval of the City of Scottsdale's 2020 State Legislative Agenda.

Presenter(s): Brad Lundahl, Government Relations Director

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

– Government Relations Director Brad Lundahl presentation.

– Councilman Phillips made a motion to approve the 2020 State Legislative Agenda.

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.

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 22

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.

22. **Receipt of Citizen Petitions – None**

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

Wednesday, December 4, 2019

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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 Items – None

Adjournment – 8:07 P.M.