

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 17, 2019**



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

**CALL TO ORDER**

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:03 P.M. on Tuesday, September 17, 2019, in the City Hall Kiva.

**ROLL CALL**

Present: Mayor W.J. "Jim" Lane; Vice Mayor Linda Milhaven; and Councilmembers Suzanne Klapp, Virginia L. Korte, Kathleen S. Littlefield, Guy Phillips (participated telephonically), and Solange Whitehead

Also Present: City Manager Jim Thompson, Acting City Attorney Joe Padilla, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Councilwoman Littlefield

**INVOCATION** – Pastor Bryan McAnally, Scottsdale Bible Church

**MAYOR'S REPORT** – Mayor Lane welcomed a delegation of international visitors from Central Asia.

**PRESENTATIONS/INFORMATION UPDATES** – None

**PUBLIC COMMENT**

- David Ortega expressed concerns about the Southbridge Project.
- Barney Gonzalez commented on potential loss of parking in the Rose Garden area.
- Sonnie Kirtley expressed concern about the City's noise ordinance.
- French Thompson and Bob Pejman commented on public parking associated with the proposed Museum Square project.

**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.

## MINUTES

**Request:** Approve the Regular Meeting Minutes of August 27, 2019, and August 28, 2019.

## MOTION AND VOTE – MINUTES

Councilmember Korte made a motion to approve the Regular Meeting Minutes of August 27, 2019, and August 28, 2019. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

## CONSENT AGENDA

### 1. **Lush Burger Liquor License (65-LL-2019)**

**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:** 18251 N. Pima Road, Suite 120

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

### 2. **Ireland Abandonment (3-AB-2019)**

**Request:** Adopt **Resolution No. 11569** authorizing the abandonment of 33 feet of General Land Office Patent Easements located along the western and southern boundaries of a parcel with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.

**Location:** 13220 E. Gold Dust Avenue

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

### 3. **Black Rock Coffee Parcel Zoning Stipulation Amendment (19-ZN-1987#5)**

**Request:** Adopt **Ordinance No. 4419** approving a zoning district map amendment to amend stipulations in Case No. 19-ZN-1987 on 1.49± acres of the Highway Commercial (C-3) properties by removing the stipulation which restricts the signage on the south-face of the buildings to no higher than 8 feet on the building.

**Location:** 10683 and 10687 N. 116<sup>th</sup> Street.

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

### 4. **Winery Suites of Scottsdale Rezoning (24-ZN-2018)**

#### **Requests:**

1. Adopt **Ordinance No. 4414** approving a zoning district map amendment from Central Business District, Downtown Overlay (C-2 DO) and Downtown, Office Residential, Type 2, Downtown Overlay (D/OR-2 DO) to Downtown, Downtown Multiple-Use, Type 2, Downtown Overlay (D/DMU-2 DO) including a Development Plan for a mixed-use project on a 0.37±-acre site.

2. Adopt **Resolution No. 11536** declaring the document titled "*Winery Residences Development Plan*" to be a public record.

**Location:** 6951 and 6961 E. 1<sup>st</sup> Street

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

**5. NWC of Pima & Thomas Non-Major General Plan Amendment and Rezoning (1-GP-2019 and 1-ZN-2019)**

**Requests:**

1. Adopt **Resolution No. 11568** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Employment to Commercial on a 1±-acre site.
2. Adopt **Ordinance No. 4418** approving a zoning district map amendment from Industrial Park District (I-1) to Central Business District (C-2) zoning on a 1±-acre site.

**Location:** 8700 E. Thomas Road

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

**6. 75 on 2<sup>nd</sup> Rezoning (2-ZN-2019)**

**Request:** Adopt **Ordinance No. 4420** approving a zoning district map amendment from Downtown/Office Residential Type-2, Downtown Overlay (D/OR-2 DO) and Service Residential Downtown Overlay (S-R DO) zoning to Downtown, Downtown Multiple Use Type-2 Downtown Overlay (D/DMU-2 DO) zoning on a 1.1±-acre site.

**Location:** 7502, 7508, 7514, and 7520 E. 2<sup>nd</sup> Street

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

**7. Above Ground Reservoir at Booster Pump Station 42**

**Request:** Adopt **Resolution No. 11553** authorizing the purchase of 1.08± acres of land from the Arizona State Land Department and initiating a Municipal Use Master Site Plan for the expansion and construction of a new 2.5 million gallon above ground reservoir at Booster Pump Station 42 located northwest of the intersection of Pima and Jomax Roads.

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

**8. Raintree Drive Extension Project Development Agreement**

**Request:** Adopt **Resolution No. 11558** authorizing Agreement No. 2019-148-COS with PL Acoma, LLC, as part of negotiations for the purchase of the right-of-way required for the Raintree Drive Extension Project.

**Location:** 7812 E. Acoma Drive

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

**9. Preserve Trails Construction Services Job Order Contracts**

**Request:** Adopt **Resolution No. 11559** authorizing the following job order contract modifications for the first option year, in an amount not to exceed \$2,000,00 per contract, for Preserve trail projects throughout the City as needed:

1. Contract No. 2017-138-COS-A1 with American Conservation Experience
2. Contract No. 2017-139-COS-A1 with Cuddy Mountain Trail Company

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

**10. Programmatic Agreement**

**Request:** Adopt **Resolution No. 11548** authorizing Agreement No. 2019-141-COS with the Arizona State Historic Preservation Office to allow the City to conduct its own historic clearance process for programs funded with U.S. Department of Housing and Urban Development grant funds.

**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, [gbestgen@scottsdaleaz.gov](mailto:gbestgen@scottsdaleaz.gov)

**11. Trolley Advertising Fee**

**Request:** Adopt **Resolution No. 11563** authorizing adjustments to the Transportation Fee Schedule for trolley advertising and approving the form of the Trolley Advertising Agreement.

**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, [pbasha@scottsdaleaz.gov](mailto:pbasha@scottsdaleaz.gov)

**12. Drinkwater Boulevard Bridge Capital Project**

**Request:** Adopt **Resolution No. 11560** authorizing Agreement No. 2019-149-COS with the Maricopa Association of Governments for project administration and reimbursement of Proposition 400 Regional Transportation Sales Tax funds for eligible costs incurred by the City for the Drinkwater Boulevard Bridge capital project.

**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, [pbasha@scottsdaleaz.gov](mailto:pbasha@scottsdaleaz.gov)

**13. Tavern Grille Teletrack Wagering Establishment License**

**Request:** Consider approval of a renewal application for a Teletrack Wagering Establishment License for Tavern Grill.

**Location:** 8880 E. Via Linda, Suite 106

**Staff Contact(s):** Darcy Nichols, Business Services Director, 480-312-5925, [danichols@scottsdaleaz.gov](mailto:danichols@scottsdaleaz.gov)

**14. Proposition 202 Grant Funds Acceptance**

**Request:** Adopt **Resolution No. 11581** to authorize:

1. Agreement No. 2019-165-COS with the Fort McDowell Yavapai Nation to accept Proposition 202 Tribal Gaming Funds in the amount of \$20,000.
2. A budget transfer in the amount of \$20,000 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](mailto:blundahl@scottsdaleaz.gov)

**15. Event Directional Sign Program**

**Request:** Adopt **Ordinance No. 4407** amending Scottsdale Revised Code, Chapter 22, Sections 22-3 and 22-23(e), for the purpose of modifying requirements for qualifying directional event banners.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

**16. Municipal Property Corporation Excise Tax Bond Issuance for Flood Control Improvement and Scottsdale Stadium Improvement Projects**

**Request:** Adopt **Resolution No. 11564** to authorize:

1. The execution and delivery of an agreement with the Scottsdale Municipal Property Corporation providing for financing and approving the issuance of bonds in the amount of up to \$10.0 million for drainage and flood control improvements and up to \$33.5 million for Scottsdale Stadium improvements, for a total amount not to exceed \$43.5 million in one or more series, as tax-exempt and/or taxable bonds, to finance those or other public improvements.
2. The form of the agreement, trust indenture and a continuing disclosure certificate with respect to the bonds.
3. Ratifying the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

**Staff Contact(s):** Jeff Nichols, City Treasurer, 480-312-2364,  
[jenichols@scottsdaleaz.gov](mailto:jenichols@scottsdaleaz.gov)

**17. 2020 Primary and General Elections**

**Request:** Adopt **Resolution No. 11590** calling the City of Scottsdale's Primary Election for Tuesday, August 4, 2020, and the City's General Election, if necessary, for Tuesday, November 3, 2020, for the purpose of electing a Mayor and three Councilmembers.

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

**18. Marcellus v. City of Scottsdale Settlement Agreement**

**Request:** Adopt **Resolution No. 11591** authorizing settlement in the amount of \$120,000 of Robert Marcellus's negligence lawsuit against the City titled *Marcellus v. City of Scottsdale*, Case No. CV2015-091140, currently pending in Maricopa County Superior Court.

**Staff Contact(s):** Joe Padilla, Acting City Attorney, 480-312-2405,  
[jpadilla@scottsdaleaz.gov](mailto:jpadilla@scottsdaleaz.gov)

**MOTION AND VOTE – CONSENT AGENDA**

Councilmember Korte made a motion to approve Consent Agenda Items 1 through 18. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Milhaven; and Councilmembers Klapp, Korte, Littlefield, Phillips, and Whitehead voting in the affirmative.

**REGULAR AGENDA**

**19. Boards and Commissions**

**Request:** Adopt **Ordinance No. 4410** amending Scottsdale Revised Code, Chapter 2, Article V, Division 1, Section 2-241, and adding Section 2-244, relating to boards and commissions, including term limits; disqualification from membership; and staff support.

**Presenter(s):** Megan Lynn, Management Assistant

**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288,  
[bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)

(Removed from the agenda at the request of staff)

**PUBLIC COMMENT – None**

**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 agendaize 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](mailto:cjagger@scottsdaleaz.gov)

No citizen petitions were received.

**MAYOR AND COUNCIL ITEMS**

**21. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for October 1, 2019)**

Airport Advisory Commission (*three vacancies*) – Councilwoman Littlefield nominated John Berry, Cory Little, and Kevin Maxwell; Councilman Phillips nominated Rob Higby; and Mayor Lane nominated Sharon Urias.

Building Advisory Board of Appeals (*one vacancy*) – Councilman Phillips nominated Julian Anderson.

Human Relations Commission (*two vacancies*) – Councilmember Korte nominated Marty Day and Jeffrie Story and Councilwoman Klapp nominated Muhammad Babur and Conay Huizar.

Transportation Commission (*one vacancy*) – Mayor Lane nominated David Dubner, Councilwoman Klapp nominated Mary Ann Miller, and Councilwoman Whitehead nominated Michael Penn.

Veterans Advisory Commission (*seven vacancies*) - Councilwoman Klapp nominated Vernon Bagley, William Chamberlain, Jack Chase, John Doering, Don Ford, Blake Lindgren, and Marie Monroe; Vice Mayor Milhaven nominated Michael Gannon, Peter Palmer, and Denise Pulk; Councilwoman Littlefield nominated Michael Ragole and Steve Ziomek; and Councilman Phillips nominated Ronald Cacini, Gerald Palozie, and Joel Stempel.

**ADJOURNMENT**

The Regular City Council Meeting adjourned at 5:37 P.M.

**SUBMITTED BY:**



**Carolyn Jagger**  
City Clerk

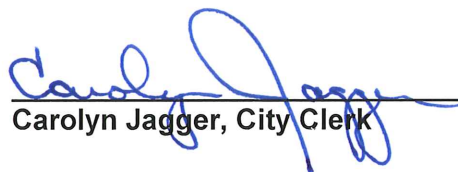
Officially approved by the City Council on October 15, 2019

### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 17<sup>th</sup> day of September 2019.

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

**DATED** this 15<sup>th</sup> day of October 2019.

  
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Carolyn Jagger, City Clerk