

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

David D. Ortega, Mayor
Tammy Caputi
Tom Durham
Barry Graham

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Monday, December 4, 2023

City Council meetings are also televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream"). 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 (December 5, 2023).

In-person spoken public comment is being accepted on Items 1 through 15. To sign up to speak on these items, please click [here](#).

In-Person spoken public comment is also being accepted on non-agendized items that are within the Council's jurisdiction. Scottsdale citizens, business owners, and/or property owners may speak on items that are within the Council's jurisdiction but are not on the agenda, with a total of 15 minutes at the beginning and 15 minutes at the end of the meeting dedicated to comment on non-agendized items. To sign up to speak in-person on a non-agendized item that is within the Council's jurisdiction, please click [here](#).

Requests for in-person public comment may be submitted online or at the City Council meeting. Registration for in-person public comment is available online by completing a Request to Speak form. In-Person Public Comment Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted online no later than 90 minutes before the start of the meeting. Additionally, in-person meeting attendees may submit a Request to Speak form utilizing the kiosk located in the foyer area of City Hall for each agenda item they wish to address. Forms must be submitted and received before the Mayor announces the agenda item.

Written public comment may be submitted in-person by completing a yellow written public comment card or electronically by completing a Written Public Comment form. Written public comment received during the meeting will be shared with the Council. Written comments that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting. A written public comment may be submitted electronically by clicking [here](#).

5:00 P.M.

MARKED AGENDA

REGULAR CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard



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

Monday, December 4, 2023

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Call to Order – 5:00 P.M.

Roll Call – All present

One or more members of the Council may be attending the Council Meeting by telephone, video, or Internet conferencing, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Vice Mayor Whitehead

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 announced current holiday events at McCormick Stillman Railroad Park as well as Scottsdazzle in Old Town Scottsdale.

– Mayor Ortega congratulated Saguardo High School's football team for winning its 14th state championship title and the Sabercat Robotics team for their recent accomplishments in trial competition.

City Manager's Report – 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.

- **Fast Five Video Update**

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

Possible Executive Session

Notice is hereby given that, at any time during tonight's meeting, the Council may make a motion to recess into Executive Session to discuss and consult with the attorneys and representatives of the public body to obtain legal advice on any applicable item on tonight's agenda. If authorized by a majority vote of the Council, the Executive Session will be held immediately after the vote and will not be open to the public. A.R.S. §38-431.03(A)(3). The public meeting will resume following the Executive Session.

Public Comment – Alexia Jones discussed concerns related to disability awareness and public safety and requested the City's assistance with these issues. Preston Bates asked for one-on-one meetings with the Mayor and Councilmembers to discuss his business project.

Public Comment time is reserved for Scottsdale citizens, business owners, and/or property owners to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Advocacy for or against a candidate or ballot measure during a Council meeting is not allowed pursuant to State law and is therefore not deemed to be within the Council's jurisdiction.

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 [form](#) 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 following Council meeting minutes from October 2023:

- a. [Special Meeting Minutes of October 24, 2023](#)
- b. [Regular Meeting and Work Study Session Minutes of October 24, 2023](#)

– Councilwoman Janik made a motion to approve the Special Meeting Minutes of October 24, 2023 and the Regular Meeting and Work Study Session Minutes of October 24, 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 ITEMS 1-14

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. 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.

– Councilwoman Janik requested additional information on Item 9 [Core Center Amendment (19-ZN-2013#3 and 1-DA-2023)] and Item 10 [Planned Airpark Core Development (PCP) Bank Drive-Through Text Amendment – Core Center Text Amendment (3-TA-2023)].

– There was no public comment on the Consent Agenda items.

– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 14, except Item 3 [40 Love Liquor License] and Item 7 [Harvest of Scottsdale Conditional Use Permit (10-UP-2015#4)], which were moved to the Regular Agenda. 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. [ATL Wings Liquor License \(75-LL-2023\)](#) – **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 a new location and owner.
Location: 3554 N. Goldwater Boulevard, Suite D
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. [Malee's on Main Liquor License \(76-LL-2023\)](#) – **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: 7131 E. Main Street
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. [40 Love Liquor License \(77-LL-2023\)](#)
Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an owner transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.
Location: 7117 E. 6th Avenue
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

– Current Planning Director Tim Curtis and Police Detective Christian Bailey gave a PowerPoint presentation on the proposed 40 Love Liquor License application.

– Managing Partner Sean Mulholland and Applicant Representative Andrea Dahlman Lewkowicz gave a presentation on the proposed 40 Love Liquor License application.

– There was no public comment on this item.

– Councilwoman Caputi made a motion to recommend disapproval of this item. The motion died for lack of a second.

– Councilmember Durham made a motion to continue this item to the December 6, 2023 City Council meeting to allow time for an amended liquor license application to be submitted to the City. 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.

4. **Jones Liquor License (78-LL-2023) – 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: 7318 E. Stetson Drive

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

5. **Food-N-Things Liquor License (79-LL-2023) – 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: 8233 E. Via Paseo Del Norte

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

6. **Indian King Liquor License (80-LL-2023) – 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 Road, Suite H-115

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

7. **Harvest of Scottsdale Conditional Use Permit (10-UP-2015#4)**

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12878** approving an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the five-year timing stipulation, with Industrial Park (I-1) zoning.

Location: 15190 N. Hayden Road

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

– Planning and Development Area Manager Bryan Cluff gave a PowerPoint presentation on the proposed Harvest of Scottsdale Conditional Use Permit.

– There was no public comment on this item.

– Mayor Ortega made a motion to adopt Resolution No. 12878 approving an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the five-year timing stipulation, with Industrial Park (I-1) zoning. Councilmember Durham seconded the motion, which carried 4/3, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi and Durham voting in the affirmative and Councilmembers Graham, Janik, and Littlefield dissenting.

8. [DC Ranch Corporate Center – Lot 4 Conditional Use Permit \(4-UP-2023\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12988** approving a conditional use permit for vehicle storage on a ±1.49-acre site with Industrial Park, Planned Community District (I-1 PCD) zoning.
Location: 9256 E. Verde Grove View
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

9. [Core Center Amendment \(19-ZN-2013#3 and 1-DA-2023\)](#) – **Approved on Consent.**
Requests:
 1. Adopt **Ordinance No. 4618** approving a zoning district map amendment amending the stipulations and development plan of Case No. 19-ZN-2013#2, including approval of Bonus Development Standards for Floor Area Ratio (FAR) in exchange for Special Public Improvements (in lieu of contributions) and a modified site plan that includes retail, restaurant, and a financial institution with an associated drive-through on a ±6.2-acre site with Planned Airpark Core Development – Airpark Mixed Use (PCP-AMU) zoning.
 2. Adopt **Resolution No. 12985** declaring the document titled “Core Center Amendment 19-ZN-2013#3 Development Plan” to be a public record.
 3. Adopt **Resolution No. 12986** authorizing Development Agreement No. 2023-192-COS with Core Center of Scottsdale, LLC.**Location:** 15301 N. Hayden Road
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
– **Senior Planner Katie Posler gave a PowerPoint presentation on the proposed Core Center Amendment.**

10. [Planned Airpark Core Development \(PCP\) Bank Drive-Through Text Amendment – Core Center Text Amendment \(3-TA-2023\)](#) – **Approved on Consent.**
Request: Adopt **Ordinance No. 4619** to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455), Article V, Section 5.4006 (Planned Airpark Core Development, PCP – Use Regulations) to allow drive-through services associated with financial institutions (banks) as a permitted use in the Planned Airpark Core Development – Airpark Mixed Use (PCP-AMU) subdistrict with use limitations.
Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov
– **Councilwoman Janik withdrew her request for a staff presentation on this item as her questions were answered during the staff presentation for Item 9 [Core Center Amendment (19-ZN-2013#3 and 1-DA-2023)].**

11. [Former Fire Station No. 601 Revocable License Agreement Extension](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12962** authorizing Agreement No. 2018-024-COS-A1 with Maricopa Ambulance, LLC, to house ambulances and their crews in former Fire Station No. 601.
Location: 2857 N. Miller Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

12. [Gravity Sewer – Tournament Players Club \(TPC\) Golf Course to North Pumpback Station Project Preconstruction Phase Contract](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12982** authorizing Construction Manager at Risk Contract No. 2023-201-COS with Achen Gardner Construction, LLC, in an amount not to exceed \$4,708,619.09, to provide phase one construction phase services for the Gravity Sewer – TPC Golf Course to the North Pumpback Station Project.
Location: South of Bell Road and on the West Side of Pima Road
Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

13. [Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12998** authorizing the execution of a letter to the Industrial Commission of Arizona requesting an exemption to the requirement to post security for outstanding workers' compensation claims.
Staff Contact(s): George Woods, Risk Management Director, 480-312-7040, gwoods@scottsdaleaz.gov
14. [2024 Primary and General Elections](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 12953** calling the City of Scottsdale's Primary Election for Tuesday, August 6, 2024, and the City's General Election, if necessary, for Tuesday, November 5, 2024, for the purpose of electing a Mayor and three Councilmembers.
Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

REGULAR AGENDA **ITEM 15**

How the Regular Agenda Works: The Council takes action on each item on the Regular Agenda.

15. [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
- **Planning and Development Area Manager Bryan Cluff gave a PowerPoint presentation on the proposed Swags Rezoning.**
 - **Applicant representative Court Rich, with the Rose Law Group, gave a PowerPoint presentation.**
 - **Mayor Ortega opened public comment on this item.**
 - **Tim LaSota, with the Law office of Timothy A. LaSota, spoke on behalf of his clients and their willingness to drop the legal protest if their stipulations are included in the rezoning request.**
 - **Applicant Aaron Wagner discussed his background and the stipulations related to the rezoning request.**
 - **Scottsdale resident Brian Banks spoke in support of the Swags rezoning.**
 - **Mayor Ortega closed public comment on this item.**
 - **Councilwoman Caputi made a motion to recess into Executive Session to obtain legal advice on this matter. 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.

– The City Council recessed into Executive Session at 6:35 P.M.

– The City Council reconvened the Regular Meeting at 7:04 P.M.

– Councilwoman Caputi made a motion to continue this item to the January 9, 2024 City Council Meeting. Vice Mayor Whitehead seconded the motion, which carried 5/2, with Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, and Littlefield voting in the affirmative and Mayor Ortega and Councilmember Graham dissenting.

Public Comment – None

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CITIZEN PETITIONS

ITEM 16

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 [form](#) must be submitted, together with the petition(s), **before** the second Public Comment period begins.

16. 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 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

Adjournment – 7:14 P.M.

– Councilmember Graham 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.