

**SCOTTSDALE CITY COUNCIL
SPECIAL MEETING MINUTES
WEDNESDAY, DECEMBER 6, 2023**



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

CALL TO ORDER

Mayor David D. Ortega called to order a Special Meeting of the Scottsdale City Council at 4:00 P.M. on Wednesday, December 6, 2023 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 (Councilwoman Littlefield arrived at 4:07 P.M.)

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 – Councilmember Graham

1. Request for Executive Session to:

- A. Discuss and consider the employment, assignment, appointment, and compensation and benefits of a City Auditor from the following candidates: Mary Modelski, Alan Moorhead
- B. Discuss and consider its position and instruct its attorneys regarding the public body's position on contracts that are the subject of employment negotiations.
- C. Discuss and consult with the City's attorney(s) for legal advice regarding the employment, assignment, appointment, and compensation and benefits of a City Auditor.

If authorized by a majority vote of the Scottsdale City Council, the executive session will be held immediately after the vote and will not be open to the public.

MOTION AND VOTE – EXECUTIVE SESSION

Councilwoman Janik made a motion to adjourn into Executive Session to discuss and consider the employment, assignment, appointment, and compensation and benefits of

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.

a City Auditor from the following candidates: Mary Modelski and Alan Moorhead; discuss and consider its position and instruct its attorneys regarding the public body's position on contracts that are the subject of employment negotiations; and discuss and consult with the City's attorney(s) for legal advice regarding the employment, assignment, appointment, and compensation and benefits of a City Auditor. Councilmember Graham seconded the motion, which carried 6/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, and Janik voting in the affirmative.

The City Council recessed into Executive Session at 4:03 P.M.

The City Council reconvened the Special Meeting at 5:02 P.M.

1A. 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

Presenter: Tim Curtis, Current Planning Director

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

Current Planning Director Tim Curtis gave a PowerPoint presentation (attached) on the proposed 40 Love liquor license application.

There was no public comment on this item.

MOTION AND VOTE – ITEM 1A

Vice Mayor Whitehead made a motion to forward 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. Councilmember Durham 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.

2. Boards, Commissions, and Task Forces Interviews and Appointments

How the Board and Commission Interview and Appointment Process Works: The Council will spend a few minutes interviewing each board and commission nominee. The Council will make the appointment(s) at the conclusion of the interviews for each board or commission.

Board of Adjustment

Nominee(s): Alexander Hayes, Jay Leopold, Azam Qayum
Council to fill two vacancies (one appointment effective December 6, 2023; one appointment effective December 7, 2023)

Alexander Hayes: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, and Littlefield.

Jay Leopold: Councilmember Graham.

Azam Qayum: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield.

Appointment: Alexander Hayes (appointment effective December 7, 2023) and Azam Qayum (appointment effective December 6, 2023) were appointed to the Board of Adjustment.

Development Review Board

Nominee(s): Julie Berry, Jeff Brand, Danielle Davis, Ali Fakh, *Jon Griffin, Thomas Kube, Ed Peaser, Roger Strassburg, Scott Tiedemann, Michael Wills
Council to fill three vacancies (appointments effective December 7, 2023)

*Nominee withdrew application from consideration for current vacancy.

Julie Berry: Councilmembers Caputi and Durham.

Jeff Brand: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, and Janik.

Ali Fakh: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, and Littlefield.

Thomas Kube: Councilmembers Graham and Janik.

Ed Peaser: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Graham and Littlefield.

Michael Wills: Councilmembers Graham and Littlefield.

Appointment: Jeff Brand and Ali Fakh were reappointed, and Ed Peaser was appointed to the Development Review Board, effective December 7, 2023.

Environmental Advisory Commission

Nominee(s): Lauren Click, Alisa McMahon
Council to fill one vacancy (appointment effective December 7, 2023)

Lauren Click: Mayor Ortega.

Alisha McMahon: Vice Mayor Whitehead and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield.

Appointment: Alisa McMahon was appointed to the Environmental Advisory Commission, effective December 7, 2023.

Judicial Appointments Advisory Board

Nominee(s): Aurea Flores, Kristina Jensen, Janice Shimokubo

Council to fill two citizen member vacancies (appointments effective December 6, 2023)

Aurea Flores: Councilwoman Janik.

Kristina Jensen: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, and Littlefield.

Janice Shimokubo: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield.

Appointment: Kristina Jensen and Janice Shimokubo were appointed to the Judicial Appointments Advisory Board, effective December 6, 2023.

McDowell Sonoran Preserve Commission

Nominee(s): Stephen Coluccio

Council to fill one vacancy (appointment effective December 7, 2023)

Stephen Coluccio: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield.

Appointment: Stephen Coluccio was reappointed to the McDowell Sonoran Preserve Commission, effective December 7, 2023.

Neighborhood Advisory Commission

Nominee(s): Louise Lamb

Council to fill one vacancy (appointment effective December 7, 2023)

Louise Lamb: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield.

Appointment: Louise Lamb was reappointed to the Neighborhood Advisory Commission, effective December 7, 2023.

Tourism Development Commission

Nominee(s): Lance Marrin

Council to fill one Scottsdale Hotelier vacancy (appointment effective December 7, 2023)

Lance Marrin: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield.

Appointment: Lance Marrin was appointed to the Tourism Development Commission, effective December 7, 2023.

Transportation Commission

*Nominee(s): Kevin Konczal, Mailen Pankiewicz, Darren Wolf
Council to fill one vacancy (appointment effective December 7, 2023)*

Kevin Konczal: Councilmembers Graham, Janik, and Littlefield.

Mailen Pankiewicz: Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi and Durham.

Appointment: Mailen Pankiewicz was appointed to the Transportation Commission, effective December 7, 2023.

**3. Appointment to Public Safety Personnel Retirement System Boards
Public Safety Personnel Retirement System Boards**

*Appointee: Robert Leavitt
Council affirmation of Mayor David D. Ortega’s proposed appointment (effective December 6, 2023)*

MOTION AND VOTE – ITEM 3

Vice Mayor Whitehead made a motion to affirm Mayor Ortega’s appointment of Robert Leavitt to the Public Safety Personnel Retirement System Boards, effective December 6, 2023. 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.

MOTION AND VOTE – ADJOURNMENT

Vice Mayor Whitehead made a motion to adjourn the Special Meeting. Councilmember Durham 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

The Special Meeting adjourned at 6:45 P.M.

SUBMITTED BY:



**Ben Lane
City Clerk**

Officially approved by the City Council on January 23, 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 Special Meeting of the City Council of Scottsdale, Arizona, held on the 6th day of December 2023.

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

DATED this 23rd day of January 2024.



Ben Lane, City Clerk

40 Love (262758)

77-LL-2023

**City Council
December 6, 2023**

Coordinator: Tim Curtis

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Location

77-LL-2023

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For Restaurants, Bars and Restaurants/Bars:

Will the bar service area be less than 15% of the gross floor area?

Yes No*

Gross square footage of bar service area: 270 SF

(includes the floor area under indoor and outdoor bars and the floor area behind the bars used for storage, prep and serving of food or drinks. NOT kitchen/backroom storage)

N/A

Will the kitchen be less than 15% of the gross floor area?

Yes* No

Gross square footage of kitchen: 1,069 SF

N/A

Will the full kitchen close before 9:00 p.m.?

Yes* No

Will less than 40% of gross revenues be derived from the sale of prepared food?

Yes* No

During what hours will the establishment offer liquor sales? MON-FRI: 1pm to 2am | SAT+SUN: 12pm to 2am

For admittance:

Will age verification be required/requested at any time during business operations?

Yes* No

For admittance:

Is a cover charge required at any time during business operations?

Yes* No

Questionnaire

7117 E 6th Ave.

77-LL-2023

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40 LOVE
7117 E 6th AVE
SCOTTSDALE, AZ 85251
Approx. 9,000 SF



Floor Plan

7117 E 6th Ave.

77-LL-2023

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Action Requested

Forwarding a favorable recommendation to the Az. Dept. of Liquor for a Series 6 (bar) liquor license for an existing restaurant/bar located at 7117 E 6th Av. with a new owner.

- Council only provides a *recommendation* to the state regarding liquor licenses; the Az Dept of Liquor is the final approval authority.
- Property has a Conditional Use Permit (CUP) for a Bar with associated stipulations that runs with the land.
- New owner intends to operate in conformance with the existing Bar CUP stipulations.
- Council is not being asked to take action on a Conditional Use Permit (CUP).
- Planning and Police Depts determined that there was no reason to recommend denial of the request; no violations.

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40 Love (262758)

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**City Council
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