

SCOTTSDALE

CITY COUNCIL MEETING



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

[ADDED ITEM No. 8A; REWORDED ITEM NOS. 9 AND 10]

COUNCIL

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

Betty Janik
Kathleen S. Littlefield
Solange Whitehead

Monday, July 1, 2024

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 Regular City Council meeting (July 2 or August 20, 2024).

In-person spoken public comment is being accepted on Items 1 through 10. 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, July 1, 2024

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Call to Order – 5:05 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 – Councilmember Durham

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 commended all first responders for their efforts with area wildfires and announced that today was the 19th anniversary of Scottsdale's Fire Department.

– Mayor Ortega discussed the upcoming 4th of July holiday and safety precautions associated with the use of fireworks.

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.

– 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.

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 – None

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 [Regular Meeting Minutes of May 21, 2024](#)

Councilwoman Janik made a motion to approve the Regular Meeting Minutes of May 21, 2024. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, Littlefield, and Whitehead voting in the affirmative.

CONSENT AGENDA ITEMS 1-8A

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.

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

– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 8A. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, Littlefield, and Whitehead voting in the affirmative.

1. **Dodo Birds Kitchen & Cocktails Liquor License (33-LL-2024) – 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: 7901 E. Thomas Road, Suite 108
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
2. **Luci's at the Grove Liquor License (35-LL-2024) – 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 an existing location with a new owner
Location: 7400 N. Via Paseo Del Sur, Suite 102
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
3. **Indibar Liquor License (36-LL-2024) – 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: 6208 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
4. **Morning Squeeze Liquor License (37-LL-2024) – 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: 4233 N. Scottsdale Road
Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov
5. **Crown Castle 831802 – Drinkwater Pass Conditional Use Permit (1-UP-2024) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 13162** approving a conditional use permit for a new Type 4 Alternative Concealment Wireless Communication Facility, concealed within a 60-foot-tall artificial eucalyptus tree, with associated ground mounted equipment, with Planned Unit Development (PUD) zoning.
Location: 3007 N. 73rd Street
Staff Contact(s): Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov

6. **Game Show Battle Rooms Conditional Use Permit (6-UP-2024) – Approved on Consent.**
Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 13141** approving a conditional use permit for live entertainment at an existing ±3,535 square foot tenant space with Highway Commercial (C-3) zoning.
Location: 15040 N. Northsight Boulevard, Suite 102
Staff Contact(s): Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov
7. **Hagerman Abandonment (11-AB-2017#3) – Approved on Consent.**
Request: Adopt **Resolution No. 13161** authorizing the re-approval and abandonment of a 33-foot General Land Office Patent Easement (GLOPE), the underlying 20-foot fee-simple right-of-way, and the 13-foot GLOPE located along the western (N. 71st Street alignment) and northern (E. Lowden Drive alignment) boundaries of Parcel No. 216-67-162 with Single-Family Residential Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning.
Location: 7107 E. Lowden Drive
Staff Contact(s): Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov
8. **Wired Telecommunications License Agreement – Approved on Consent.**
Request: Adopt **Resolution No. 13169** authorizing Agreement No. 2024-127-COS with Light Source Communications, LLC, to construct, operate, maintain, and repair a wired telecommunications network within the City's rights-of-ways.
Staff Contact(s): Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov
- ***8A. **Legal Services Contract – Approved on Consent.**
Request: Adopt **Resolution No. 13184** authorizing Contract No. 2024-131-COS with Sherman & Howard, in an amount not to exceed a total of \$100,000, without prior notification being provided to the Mayor and Council for providing legal representation of the City defendants in the lawsuit captioned *Lane, et al. v. City of Scottsdale, et al.*, Case No. CV2024-015767, currently pending in the Maricopa County Superior Court.
Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

REGULAR AGENDA ITEMS 9-10

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

- ***9. **The District (aka Maya Day + Night Club) Conditional Use Permit (9-UP-2012#3)**
Request: Withdrawn from consideration at the request of the applicant.
Staff Contact(s): Erin Perreault, Planning and Development Services Director, 480-312-7093, eperreault@scottsdaleaz.gov

Mayor Ortega noted this item was withdrawn from consideration at the request of the applicant.

- ***10. **Old Town Parking and Parking Garage Update and Possible Creation of a New Capital Improvement Plan (CIP) Project**

Requests:

1. Presentation, discussion, and possible direction to staff regarding parking and parking garages in Old Town.
2. Adopt **Resolution No. 13157** authorizing a Fiscal Year 2024/25 transfer of up to \$2,000,000 from the General Plan Initiatives designation in the General Fund Operating Fund balance to a newly

created CIP project entitled “Build a New Parking Structure in the NE Quadrant of Old Town”.

Presenter(s): Dan Worth Public Works Director

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

– **Public Works Director Dan Worth gave a PowerPoint presentation on the proposed Old Town Parking and Parking Garage Update and Possible Creation of a New Capital Improvement Plan (CIP) Project.**

– **Mayor Ortega opened public comment on this item.**

– **Sonnie Kirtley, on behalf of Marilyn Atkinson and the Historic Old Town Architectural Committee, read a statement supporting a two-level parking structure for the corral parking lot.**

– **French Thompson, Scottsdale resident, noted his support for a two-level parking garage at the corral parking lot.**

– **Bob Pejman, Scottsdale resident, noted his support for a two-level parking garage at the corral parking lot, but expressed concerns related to funding sources.**

– **Mayor Ortega closed public comment on this item.**

– **Councilwoman Whitehead made a motion Adopt Resolution No. 13157 authorizing a Fiscal Year 2024/25 transfer of up to \$2,000,000 from the General Plan Initiatives designation in the General Fund Operating Fund balance to a newly created Capital Improvement Plan project entitled “Build a New Parking Structure in the NE Quadrant of Old Town”. Councilwoman Caputi seconded the motion, which carried 7/0 with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, Littlefield and Whitehead voting in the affirmative.**

Public Comment – None

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CITIZEN PETITIONS

ITEM 11

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.

11. 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

WORK STUDY SESSION

Work Study Sessions: Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

Public Comment: To provide an opportunity for public input yet continue to maximize the amount of time available for the Council to have focused discussions, spoken comment (maximum of five speakers) is being accepted on the item(s) on tonight's work study session agenda. To sign up to speak, please click [here](#). **Request to speak forms must be submitted no later than 90 minutes before the start of the meeting.**

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [here](#). 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.

– There was no public comment on this item.

1. **[Food Waste Diversion Initiative at City Venues](#)**

Request: Presentation, discussion, and possible direction to staff regarding potentially requiring City-owned public venues to divert their food waste from the landfill, in response to Council direction received on September 19, 2023.

Presenter(s): Dave Bennett, Solid Waste Services Director

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

– Solid Waste Services Director Dave Bennett gave a PowerPoint presentation on a proposed Food Waste Diversion Initiative at City Venues.

– Councilmembers made the following observations and suggestions:

- **It is important to divert food waste from the landfill and instead repurpose it as compost for local farms.**
- **There is minimal food waste at City owned venues.**
- **In San Francisco, the San Francisco Giants are composting and recycling food waste and it is beneficial they are incorporating these same practices at Scottsdale Stadium.**
- **Support pilot program in Fiscal Year 2024-25.**
- **Appreciate that vendors either donate leftover food to employees to take home or trade leftover food with other vendors.**
- **For future presentations, provide data on possible increased event costs to attendees and/or taxpayers.**
- **Examine chemical reactions with putting food waste with rest of landfill refuse.**
- **Examine net greenhouse gas reductions.**
- **When there is organic contamination and standard recycled materials, methane is released in the atmosphere, and it also causes fires. For this reason, it is important to clean up our recyclables and compost organic matter.**
- **Purpose of the study is to see what is out there and if the results validate doing this in the future; it is important to not presuppose results.**
- **Biofuels is a significant industry and utilized by the trucking industry.**

- **Vendors do not want to lose money by throwing away food. That is why buying the right amount of food for events is important.**
- **Food waste diversion is a beneficial economy for vendors, households, and the City.**
- **Any cost study should include tipping fees for landfills as these costs are increasing.**
- **Food waste is a significant emitter of greenhouse gases. This is why food waste in the landfill is not beneficial.**
- **Whether food waste goes to a farm as compost or to a landfill, there will always be a vehicle taking it there.**
- **Growing food locally minimizes the carbon footprint.**
- **The Phoenix metro area has the largest sewer gas to biofuel production in the country, turning waste into a productive use.**
- **Food waste reduces the amount of water we need to use on a farm.**
- **The pilot program will show where compost services are most needed.**

Adjournment – 6:38 P.M.

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