

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA**

**[REWORDED PRESENTATIONS/INFORMATION UPDATES; ADDED ITEM NOS. A1 AND 12A]**

### **COUNCIL**

David D. Ortega, Mayor  
Tammy Caputi  
Tom Durham  
Betty Janik

Kathleen S. Littlefield  
Linda Milhaven  
Solange Whitehead

**Tuesday, February 22, 2022**

*The City Hall Kiva Forum (Kiva) is open to the public during City Council meetings at a reduced capacity. Seating in the Kiva will be available on a first come, first served basis. Once capacity has been reached, individuals will be directed to a nearby location to view the televised meeting. The Mayor will announce the names of speakers in advance to give those attending the meeting from the nearby location sufficient time to enter the Kiva and make their comments in person. As seating in the Kiva becomes available, individuals waiting in the nearby location will be asked to come to City Hall.*

*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov) (search "live stream") to allow the public to virtually attend, participate telephonically, and listen/view the meeting in progress. 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 (March 1, 2022).*

*In-person or telephonic comment is being accepted on Items 1 through 14. To sign up to speak on these items, please click [here](#).*

*Scottsdale citizens may also 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 or telephonically on a non-agendized item that is within the Council's jurisdiction, please click [here](#).*

*Online Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted no later than 90 minutes before the start of the meeting and you must indicate whether you will be addressing the Council in person or telephonically.*

*Written comments on any of the items on tonight's agenda 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](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

**Call to Order – 5:01 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 – Mayor Ortega.**

**Mayor’s Report – Mayor Ortega commented on the dangerous traffic incident on Sunday, February 20, 2022 at the intersection of 68<sup>th</sup> Street and Camelback Road. Mayor Ortega discussed this issue with the City Manager and Police Chief, who will provide a report to the City Council on current countermeasures and recommendations on increasing criminal penalties for those caught threatening the safety of Scottsdale.**

**– Mayor Ortega reported that the Scottsdale Arabian Horse Show is currently being held at WestWorld through February 27, 2022. Seating is available for the remaining events.**

**– Mayor Ortega announced that Major League Baseball’s Spring Training start date was officially delayed to March 5, 2022. Scottsdale is anxiously awaiting the return of spring training and everyone is hoping the lockout ends soon.**

**\*\*\*Presentations/Information Updates – Pete Wingert, Paradise Valley Chief of Police/First Vice President, Arizona Association of Chiefs of Police gave the presentation.**

- **Scottsdale Police Department – Arizona Law Enforcement Accreditation Program Award**
  - **Arizona Association of Chiefs of Police – Outstanding Chief of the Year Award**
- Presenter(s):** Pete Wingert, Paradise Valley Chief of Police/First Vice President, Arizona Association of Chiefs of Police

**Public Comment – Daniel Ishac spoke on the tone and decorum of City Council Meetings. Mayor Ortega responded to personal comments made.**

Public Comment time is reserved for Scottsdale 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 [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.”**

## **ADDED ITEM**

**Added Item:** Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

**– Councilwoman Whitehead made a motion to add Consent Agenda Item 12A to the agenda. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.**

**\*\*\*A1. Added Item**

Item No. 12A was added to the agenda on February 17, 2022 and requires a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or continue the added items to the next scheduled Council meeting, which is March 1, 2022.

## MINUTES

**Request:** Approve the following Council meeting minutes from January 2022:

- a. [Special Meeting Minutes of January 31, 2022](#)
- b. Executive Session Minutes of January 31, 2022
- c. [Regular Meeting and Work Study Session Minutes of January 31, 2022](#)  
– Councilwoman Janik made a motion to approve the Special Meeting Minutes of January 31, 2022; Executive Session Minutes of January 31, 2022; and Regular Meeting and Work Study Session Minutes of January 31, 2022. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

## CONSENT AGENDA ITEMS 1-12A

**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.

– Vice Mayor Caputi made a motion to approve Consent Agenda Items 1 through 12A. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

1. [Permanent Extension of Premise for Fellow \(8-EX-2021\)](#) – Approved on Consent.  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for a Series 12 (restaurant) State liquor license for an existing location to add a new patio.  
**Location:** 1455 N. Scottsdale Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. [Renegade Clubhouse Conditional Use Permit \(11-UP-2021\)](#) – Approved on Consent.  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 12366** amending conditions on 20 acres of a 900-acre site for golf course use to replace the existing Renegade Golf Course clubhouse with a new golf course clubhouse and associated amenities with Open Space, Environmentally Sensitive Lands (O-S/ESL) zoning.  
**Location:** 38580 N. Desert Mountain Parkway  
**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
3. [Joy Ranch Final Plat \(2-PP-2021\)](#) – Approved on Consent.  
**Request:** Approve the final plat for a 52-lot residential subdivision with amended development standards on a ±77.6-acre site with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.  
**Location:** Approximately 250 feet east of the intersection of E. Joy Ranch Road and N. Boulder View Drive  
**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

4. **North Grayhawk Drive Dedication Final Plat (3-PP-2022) – Approved on Consent.**  
**Request:** Approve the final plat to dedicate portions of N. Grayhawk Drive as a private access tract to complete the required street dedications located between N. Hayden Road and E. Thompson Peak Parkway (northeast corner) with Single-Family Residential Districts, Planned Community District, Environmentally Sensitive Lands (R1-7/PCD/ESL and R1-18/PCD/ESL), Townhouse Residential, Planned Community District, Environmentally Sensitive Lands (R-4/PCD/ESL) and Open Space, Planned Community District, Environmentally Sensitive Lands (O-S/PCD/ESL) zoning designations.  
**Location:** 20646 and 20905 N. Grayhawk Drive  
**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
  
5. **Dove Valley Water Line: 56th to 64th Street Project Construction Phase Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12388** authorizing Construction Manager at Risk Contract No. 2022-021-COS with Achen Gardner Contracting, LLC, in an amount not to exceed \$941,958.98, to provide phase one construction phase services for the Dove Valley Water Line: 56<sup>th</sup> to 64<sup>th</sup> Street project.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
6. **Architectural Services Contract for Capital Improvement and Facilities Projects – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12398** authorizing Contract No. 2022-024-COS with Arrington Watkins Architects, LLC, in the amount of \$1,399,424, for design services for Bond 2019 Project 40 – Renovate and Expand the Civic Center Jail and Downtown Police Facility to Meet Demand.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
  
7. **Persian New Year Festival – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12392** to authorize:
  1. New Event Funding Agreement No. 2022-022-COS with the Persian New Year Festival, LLC.
  2. Fiscal Year 2021/22 Tourism Development Fund event retention and development funding in an amount not to exceed \$40,000 to support the Persian New Year Festival.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
  
8. **Scottsdale Airport Lease Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12359** authorizing Lease Agreement No. 2022-007-COS with 21 Luna, LLC, for the lease of North General Aviation Executive Box Hangar Space at the Scottsdale Airport.  
**Staff Contact(s):** Gary Mascaro, Aviation Director, 480-312-7735, [gmascaro@scottsdaleaz.gov](mailto:gmascaro@scottsdaleaz.gov)
  
9. **Arizona Site Steward Program Memorandum of Understanding – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12387** authorizing Agreement No. 2022-017-COS with the Arizona State Parks Board for training and administration of Scottsdale McDowell Sonoran Preserve volunteers under the Arizona Site Steward Program.  
**Staff Contact(s):** Kroy Ekblaw, Preserve Director, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov)
  
10. **Cooperative Police Training Intergovernmental Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12400** authorizing Agreement No. 2007-151-COS-A2 with the City of Mesa for cooperative law enforcement training operations between the Scottsdale and Mesa Police Departments.  
**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, [jwalther@scottsdaleaz.gov](mailto:jwalther@scottsdaleaz.gov)

11. [Fiscal Year \(FY\) 2021/22 Mid-Year Operating and Capital Improvement Plan \(CIP\) Budget Adjustments – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 12391** authorizing FY 2021/22 budget adjustments related to the Operating Budget and CIP Budget.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov) and Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
12. [Monthly Financial Report – Approved on Consent.](#)  
**Request:** Accept the Fiscal Year 2021/22 Monthly Financial Report as of December 2021.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)
- \*\*\*12A. [Presiding City Judge Appointment and Employment Agreement – Approved on Consent.](#)  
**Request:** Adopt **Resolution No. 12413** to authorize:
  1. Appointment of Marianne T. Bayardi to the position of Presiding City Judge effective March 21, 2022.
  2. Employment Agreement No. 2022-032-COS with Marianne T. Bayardi.**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 13-14**

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

13. [92 Ironwood \(AKA 92nd Street Rezoning\) Minor General Plan Amendment and Rezoning \(3-GP-2021 and 6-ZN-2021\)](#)  
**Requests:**
  1. Adopt **Resolution No. 12279** approving a Minor General Plan Amendment to the Scottsdale General Plan 2035 Future Land Use Map from Commercial to Mixed-Use Neighborhoods on ±3.92-acres of a ±8.52-acre site.
  2. Adopt **Ordinance No. 4521** approving a zoning district map amendment from Highway Commercial Planned Community District (C-3 PCD) and Commercial Office Planned Community District (C-O PCD) to Planned Unit Development Planned Community District (PUD PCD) with a development plan on a ±8.52-acre site for a mixed-use development, including a 285-unit multi-family project.
  3. Adopt **Resolution No. 12280** declaring the document titled “92<sup>nd</sup> Ironwood Development Plan” to be a public record.**Location:** 10299 N. 92<sup>nd</sup> Street, 10301 N. 92<sup>nd</sup> Street, and 9301 E. Shea Boulevard  
**Presenter(s):** Jeff Barnes, Senior Planner  
**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)  
**– Councilmember Milhaven made a motion to continue. Vice Mayor Caputi seconded the motion. After further discussion, Councilmember Milhaven withdrew her motion.**  
**– Senior Planner Jeff Barnes and Applicant Representative Kurt Jones, with Tiffany & Bosco, P.A., gave PowerPoint presentations.**  
**– Councilmember Milhaven made a motion to continue the item for 30 days. Vice Mayor Caputi seconded the motion.**  
**– Mayor Ortega called the question. The motion to call the question carried 5/2, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, and Littlefield voting in the affirmative, and Councilmembers Milhaven and Whitehead dissenting.**  
**– The motion to continue the item for 30 days failed 2/5, with Vice Mayor Caputi and Councilmember Milhaven voting in the affirmative, and Mayor Ortega and Councilmembers Durham, Janik, Littlefield, and Whitehead dissenting.**

– Mayor Ortega made a motion to deny the 92 Ironwood Minor General Plan Amendment and Rezoning Requests. Councilwoman Janik seconded the motion. There was no vote on the motion as the applicant withdrew the case.

14. Comprehensive Financial Policies

**Requests:**

1. Adopt **Resolution No. 12384** to authorize:
  - a. Adoption of Comprehensive Financial Policies as the formal guidelines for the City of Scottsdale’s Fiscal Year 2022/23 financial planning and management.
  - b. Repealing in their entirety, the financial policies passed and adopted through Resolution No. 12047
  - c. The renumbering of Financial Policy 21A as “*Policy 10 Tourism Development Fund*”.
  - d. The provisions of this Resolution shall be effective July 1, 2022.
2. Adopt **Ordinance No. 4534** authorizing the renumbering of Financial Policy 21A as “*Policy 10 Tourism Development Fund*” to conform to the modified City comprehensive financial policies and amending Policy 10 to add clarity, with an effective date of July 1, 2022.

**Presenter(s):** Sonia Andrews, City Treasurer

**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

– City Treasurer Sonia Andrews gave the PowerPoint presentation on the comprehensive financial policies.

– Mayor Ortega made a motion to adopt Resolution No. 12384 authorizing the adoption of Comprehensive Financial Policies as the formal guidelines for the City of Scottsdale’s Fiscal Year 2022/23 financial planning and management and Ordinance No. 4534 authorizing the renumbering of Financial Policy 21A as “*Policy 10 Tourism Development Fund*” to conform to the modified City comprehensive financial policies and amending Policy 10 to add clarity, with an effective date of July 1, 2022. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**Public Comment – None**

Public Comment time is reserved for Scottsdale 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 [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.”**

## CITIZEN PETITIONS

### ITEM 15

**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.

15. **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 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):** Ben Lane, City Clerk, 480-312-2411, [blane@scottsdaleaz.gov](mailto:blane@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjourn the regular portion of the Meeting and Convene the City Council Work Study Session**

**– The City Council recessed at 7:04 P.M.**

**CITY COUNCIL WORK STUDY SESSION**

**– The City Council reconvened at 7:19 P.M.**

**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. – Alex McLaren commended City staff and the Transportation Commission work and expressed support of the draft plan. Cynthia Wenstrom asked that the Transportation Plan be amended to designate 128<sup>th</sup> Street from a minor collector to a new designation of "emergency access only".**

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.

**1. [Draft 2022 Transportation Action Plan](#)**

**Request:** Presentation, discussion, and possible direction to staff regarding the draft 2022 Transportation Action Plan.

**Presenter(s):** Dave Meinhart, Transportation Planning Manager

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

**– Transportation Planning Manager Dave Meinhart gave the PowerPoint presentation on the Draft 2022 Transportation Action Plan.**

**– There was Council consensus on the following items:**

- Amend the Draft 2022 Transportation Action Plan to change the designation of 128<sup>th</sup> Street from minor collector to a new designation of "emergency access only".**
- Reinsert the policy that dictates a path within a half mile of every home and enable staff to make an exception "unless privately-owned property or natural terrain make it impractical".**
- Include use of white paint on open roadways for sustainability and/or to reduce heat gain.**

**– The Council made the following suggestions:**

- Eliminate the proposal of Mountain View Road expansion from 92<sup>nd</sup> Street to 96<sup>th</sup> Street from two lanes to four lanes.
- Retain the proposal of Mountain View Road expansion and provide creative solutions for traffic congestion at the intersections of Shea Boulevard, 92<sup>nd</sup> Street, 96<sup>th</sup> Street, and Mountain View Road.
- Incorporate a standard width for bicycle lanes.
- Do not narrow roadways just for the purpose of narrowing; rather develop standards for narrowing based on timeframes (such as 10 years) and public input.
- Eliminate rubber-tired bus rapid transit that would need a dedicated travel lane from the Draft 2022 Transportation Action Plan.
- The Shea Corridor was set up for evacuation purposes and should not be reduced.
- Retain drainage solutions in any roadway modifications.
- Include education elements, signage, and program outreach in the Draft 2022 Transportation Action Plan.
- Consider pedestrian and bicyclist safety at intersections, perhaps by creating an alert system for use by the Transportation and Police Departments.
- Include a category for Old Town Parking; re-evaluate the true capacity of parking in Old Town to augment parking.
- Restore trolley service to connect Desert Mountain High School and Mountainside Middle School to the Arabian Library.
- Advertise and increase uses at the Thunderbird Park and Ride lot.

**Adjournment – 9:29 P.M.**

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