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**CALL TO ORDER**

[Time: 00:00:02]

Mayor Ortega: The 2020 city council meeting to order. City Clerk Ben Lane, please conduct the roll call.

**ROLL CALL**

[Time: 00:00:12]

City Clerk Ben Lane: Thank you, mayor. Mayor David Ortega.

Mayor Ortega: Present.

City Clerk Ben Lane: Vice Mayor Betty Janik.

Vice Mayor Janik: Present.

City Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

City Clerk Ben Lane: Tom Durham.

Councilmember Durham: Here.

City Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

City Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

City Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

City Clerk Ben Lane: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Ben Lane: City Attorney Sherry Scott.

City Attorney Sherry Scott: Here.

City Clerk Ben Lane: Acting City Treasurer Judy Doyle.

Acting City Treasurer Judy Doyle: Here.

City Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

City Clerk Ben Lane: And the Clerk is present.

Mayor Ortega: Thank you. We have Evan Pulski and Bruce Story here to assist us if anyone needs their attention. I will now ask councilor Durham to lead us in the Pledge of Allegiance.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:03]

Councilmember Tom Durham: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: One nation under God, indivisible, with liberty and

justice for all.

Mayor Ortega: Well, let me begin by saying this week spring approaches. So we will have the spring equinox, and that's a celebration for Passover, Nowruz and Easter. So however you celebrate the springtime, we can enjoy that as we also emerge at this time of year. So however you celebrate the spring equinox, let's enjoy.

**PUBLIC COMMENT**

[Time: 00:02:07]

At this point, we will have public comment. Public comment is when the public has an opportunity to speak on any matter which is not on the agenda. So there are opportunities to speak on agenda items later, however, any public item that you would like to express yourself, you will have three minutes and, of course, it's only pertaining to things we have jurisdiction to. We have two public comments.

Management Assistant Shane Stone: Thank you, Mayor Ortega, and the first comment is coming from Ms. Sullivan. You should be able to hit star six on your device and begin public comment.

Wanda Sullivan: Great. Can you hear me?

Management Assistant Shane Stone: Yes, we can.

Wanda Sullivan: Great. I would like to thank you for your service in terms of sitting on the council to make sure that we have an economically vibrant and safe town to live in. I'm Wanda Sullivan.

I recently moved to 4424 north 75<sup>th</sup> street, and I would like to bring a concern to your attention. There's an undesirable noise level emanating from boondocks. There's another bar that caught fire that is currently not serving pay fronts. So I'm not sure if an issue will ensue when they do resume.

I see a lot of debris that's left on the sidewalk, food wrappers, beer cans, broken bottles, cars speed down street and car alarms are set off by people leaving the bar late at night. It's a very noisy environment. So in terms of the ordinance that I believe is relevant to my concern, is ordinance number 3912, unreasonable noise created by businesses who provide alcohol or live entertainment.

It's unlawful to have that business to have -- for that business to have unreasonable noise. It states that, oh, sound level meter cannot be used and is not necessary, and the noise level is 68 decibels.

I looked up the CDC guidelines. Around 68 decibels is a normal conversation and washing

machine. So I live a block and a half from boondocks. I recorded on my smartphone noise emanating from there. They have amplified music, live music in the evening. And then also on Sunday afternoons.

So I will summarize by saying, you know, it's like it's not safe. The patrons are out of control. The noise level is unreasonable. So I would like to know what we can do to ensure enforcement of the ordinance.

I also would mention lastly that I hope that they are opening a hotel there. I can't be pleased that people be spending 100s of dollars and endure what I do as a resident. I don't know if there's comments in terms of what we can do to ensure enforcement, that the noise level is under 68, normal conversation or washing machine so that I don't have to endure this. Thank you.

Management Assistant Shane Stone: And mayor Ortega and members of council, we do not have any other members of the public present that have signed up for non-agendized public comment. So that will close on-agendized public comment this evening. Thank you.

#### **ADDED ITEMS – MOTION AND VOTE**

[Time: 00:06:19]

Mayor Ortega: Thank you. With that, I will close public comment. Moving on to agenda items we have two items which were added to the agenda, number 26a and 26b, which were added to the agenda on March 11<sup>th</sup> and duly noticed, however, it requires a separate vote to remain on the agenda.

Again, referencing the items 26a and 26b. I request a motion and a second to accept the agenda as presented. Or if you feel you want those two items continued to the next meeting.

Councilmember Whitehead: Mayor.

Mayor Ortega: Councilwoman Whitehead.

Councilmember Whitehead: I will make a motion to accept the agenda as presented.

Councilmember Littlefield: Second.

Mayor Ortega: Thank you. All in favor, mark your vote. Thank you. Unanimous.

**MINUTES – MOTION AND VOTE**

[Time: 00:08:01]

Next, we will be looking at the minutes and the minutes as posted include the retreat minutes of February 23<sup>rd</sup>, 2021, is the work study session minutes of March 2<sup>nd</sup>, 2021, regular meeting minutes of March 2, 2021, and special meeting minutes of March 3<sup>rd</sup>, 2021, and the executive session minutes.

Do I hear a motion to approve or any changes?

Vice Mayor Janik: I make a motion to approve the minutes.

Councilmember Durham: Second.

Mayor Ortega: Thank you, Vice Mayor and seconded by Councilmember Durham. All in favor, mark your votes. Okay. Thank you. Unanimous.

**CONSENT AGENDA**

[Time: 00:08:26]

Next, we have council consent agenda items, 1 through 26b. And there was a request from Councilwoman Milhaven to pull item number 23 for -- move it to the regular agenda for presentation and a separate vote.

So also note that item number 18 was removed from the agenda at the request of staff. So we do not have -- we do have a -- several items that we can act on with the consent agenda absent item 18.

Do I hear a motion regarding consent items 1 through 26a and b, but not 23 and not 18?

Councilmember Littlefield: Mayor, so moved.

Councilmember Caputi: Second.

Mayor Ortega: Thank you. We have a motion by Councilwoman Littlefield and seconded by Councilmember Caputi. All in favor say aye or indicate your votes. Thank you. It's unanimous. Accordingly, we will now move on to the regular agenda items. We will have a request to hear item number 23, and I would ask staff for a presentation on that.

**ITEM 23 – PARKS, RECREATION AND CULTURAL AFFAIRS CODE AMENDMENT AND CITY PARK DESIGNATION**

[Time: 00:09:59]

Bill Murphy Assistant City Manager: Mayor Ortega, this is Bill Murphy. Members of the council, this -- this action tonight was from discussion that we had with council earlier in the year about taking a look at designation. Park site over off the Soleri plaza.

And so what we did is we had gone through looking and adopting an ordinance, which is before you there, 4439, which is amending the Scottsdale code for Chapter 20, which is the parks and recreation and cultural affairs of the definition of a park to accommodate because this area would be having some special events, which are programmed in there right now.

The designation of the property of this would be called solstice park and similar to what the mayor was talking about at the start of the meeting, obviously with the spring Solstice up ahead on the 21<sup>st</sup> of the month, we are ready for that.

We took this to the parks and recreation commission and had them take a look at it, reviewed it and we had by a vote of 4-1 to accept that for us to move forward. In 2015, the community services master plan was approved by the city council, and at that time, we had defined what a community park is and a neighborhood park.

Those are all listed within our master plan and so we are suggesting also that tonight, that this would amend that master plan and we would add Solstice park as one of our neighborhood parks in our listing. And that's really all I have to share.

If there's any questions that I can address, I would be happy to do that. Thank you.

Mayor Ortega: Thank you. I did not see any comment on 23. We can have discussion and I will let Councilwoman Milhaven lead that, and then a motion following that.

Councilmember Milhaven: Can you tell me approximately how big is this parcel?  
It looks pretty small on the map.

Assistant City Manager Bill Murphy: Mayor Ortega, Councilwoman Milhaven, this is less than a half acre in size.

Councilmember Milhaven: Less than half an acre.

Assistant City Manager Bill Murphy: Yes.

Councilmember Milhaven: And my understanding is we currently use this space for events now; is that right?

[Time: 00:13:07]

Assistant City Manager Bill Murphy: That's correct.

Councilmember Milhaven: And are we currently maintaining this space?

Assistant City Manager Bill Murphy: Yes, we currently maintain the space right now.

Councilmember Milhaven: So, you know, a half acre park, I'm not clear what benefit there is to call this parcel a park. In reading through the attachment on this agenda, it reads like if we make it a park there's lots of restrictions which would actually be counterproductive to having events at this space and so I'm not clear what the benefit is of calling this a park.

Assistant City Manager Bill Murphy: Okay. So the -- the area currently right now is scheduled for special events and that's pretty much how this would be organized as outlined right now. So if you rent the area, it is -- it goes through the city's special events committee to take a look at it.

As far as would there be any restrictions, as far as a park, this would be very similar to if you want to term it as a pocket park, we do have the plaza area there where it's separate from the other portion of the arts feature is, there as well as on the canal. But in general, we certainly would use it as a recreational site that we could do for programming.

We have ideas that we might do some things with some leisure activities that we could do out there, to take advantage of the scenery and where the location of it currently resides. So I don't think there's any restrictions and by us amending the ordinance that's before you there, it would give us the ability to have a little bit more with the special events licensing process that we would do. I hope it addresses.

Councilmember Milhaven: There's nothing more or nothing less that we can call this a park. I know there was a discussion over the last year about folks who want to build marijuana dispensaries in our downtown and for me, it seems that calling this less than half an acre parcel is really window dressing for trying to prohibit that from being in the downtown rather than addressing that issue directly.

And so given that I think it lacks transparency for what's here and no clear benefit for calling it a park, I can't support this item.

Mayor Ortega: I will respond because I support it calling it Solstice park. We are coming up on the spring equinox and the spring Solstice. It's true that Scottsdale has 42 parks and this will be the 43<sup>rd</sup>. And most of them are quite large and we will have a claim to fame of a 57 square mile McDowell Sonoran Preserve and then the new DC Ranch park which we have under construction.

[Time: 00:16:37]

It is true that this park is and will be connected to all the activities kind of a linear effect from the waterfront bridge, and it is true that the ordinance does say that marijuana dispensaries should not be within 1500 feet of a park. And that is something that council unanimously voted for, including Councilwoman Milhaven.

There is nothing to disguise that fact that having a family-friendly activity area, whether it's a church, a school, or a park are included in the radius restrictions for medical marijuana and any spot zoning or whatever may occur is something that we will address case by case. Thank you for bringing that up, if you want to elaborate more. It's another park and a very worthy location. Thank you. Councilwoman Whitehead, do you have something.

Councilmember Whitehead: We spent a lot of time on this. And we were trying to expand the open space and public open space and if there were restrictions to private parties that's because we are adding protections to the public. But a think vague language is never a friend to the government. So it is a park. It's acting like a park. It should be designated a park.

The biggest controversies that we have had in the city that have undermined public trust, again and again have involved public land. From the DDC to the park in DC Ranch. So these have been huge controversies and have cost taxpayers to hire attorneys and undermined the trust in the city government.

Our goal is to expand open space, public open space. This accomplishes that it protected -- it's another layer of protection to make sure that this absolute public gem somehow does not get taken out of the public domain. And it -- it clarifies what it is, which is a park. So I'm thrilled.

I think we have gems that are big and small, but together, that's what makes Scottsdale valuable and I'm -- I'm very excited. I have gone to visit it a few times since this game up, and I'm excited to have a new park in Scottsdale. I will be supporting it.

Mayor Ortega: I see no other requests to speak. Is there a motion.

Councilwoman Caputi.

[ Off microphone comment ]

Vice Mayor Janik: I want to say it's a park. It's small but mighty. It's in a great location. And I agree with what council Whitehead said, that it's important that we -- if it looks like a park and walks like a park, let's just call it a park and not play games with it. So thank you.

Mayor Ortega: Councilwoman Caputi.

Councilmember Caputi: I'm sorry, I really had a hard time hearing the answer to Councilwoman



Milhaven's question. I wish we could repeat that again. I feel a little blindsided by this. I don't know why.

[Time: 00:20:15]

We all had the agenda in time, but it's sort of slid in here in the consent agenda. I remember when you brought this up in the very beginning, I don't know, six weeks ago and we wanted to see it come back and problem it coming back.

And I don't know how this escaped me other than there's so much controversy floating around. I guess I'm a little unclear about -- and to repeat, I love parks. I'm all about the open space. It's already an open space and a park but we are making it a park again.

And I have to agree with Councilwoman Milhaven that we are trying to do something that is not transparent. Could we get an explanation, about why we are making it a park and what the difference is and what this actually means to us. It's super blurry on the caller. I couldn't hear it.

Mayor Ortega: So you are asking for Mr. Murphy, I believe to clarify.

Councilmember Caputi: Yeah. I didn't know who was talking. I just could not hear. I'm sorry.

Assistant City Manager Bill Murphy: Mayor Ortega, Councilwoman Caputi, this is Bill Murphy. This area right now currently right now is a plaza area that is used and programmed very similar to other things we do in our parks.

With special events throughout the year and that could be as simple as some of the events that we have on the civic center, and some of the things that we have in the downtown area. This is simply enough for us to designate the area that is city property.

We have the arrangement with Salt River project and this highlights the area that we currently maintain on a daily basis as we do any of the other parks that we have within our park system, and it's to designate it as a Solstice park.

It's a more -- if you want to refer to it as people do, in planning most of the time, as a park, a small little pocket park and it accents that area very well to do that. We can also be able to program a little more efficiently to not only the special events, but we can have some simple things where the residents near there can come down and do some recreational activities that we might be able to promote through our leisure educational outreach that we do.

And what we are asking to do is get that defined as a park and make the changes that we need to amend our code and the master plan which we completed in 2015. If you have any other questions. Thank you.

Councilmember Caputi: I don't know if that helped. Thank you.

**ITEM 23 – MOTION AND VOTE**

[Time: 00:23:35]

Mayor Ortega: Do I have a motion on item 23?

Councilmember Whitehead: I will make a motion on item 23. I make a motion to approve -- I have to pull it up here, to approve item 23, parks recreational and cultural affairs code emanating and city park designation and adopt ordinance number 4493, and resolution number 12102.

Mayor Ortega: I have a motion by Councilwoman Whitehead and Littlefield. As for transparency. This has the staffs on board. Please register your vote. The motion carries 5-2. Okay.

**ITEM 27 – THE KIMSEY – TRIANGLE (10-ZN-2020 AND 4-DA-2020)**

[Time: 00:23:35]

Next, we will go on to item 27. Which is the Kimsey project. We will have a presentation and then we will have the presentation by staff first and then the applicant. Am I on track here? Did I miss something?

City Clerk Ben Lane: Mayor, this item is requested by the applicant to be continued.

Mayor Ortega: Oh, I'm sorry. I was -- I have got the -- okay. Excuse me. I was looking at item 28. Item 27 is pertaining to the so-called Kimsey project, and it -- there has been a request by the applicant for a continuance to April 6<sup>th</sup>, 2021. Sorry about that. I have a comment from Councilmember Milhaven.

**ITEM 27 – MOTION AND VOTE**

[Time: 00:25:39]

Councilmember Milhaven: I just wanted to make a motion to continue this item until April 6<sup>th</sup>.

Councilmember Whitehead: I will second the motion.

Mayor Ortega: We have a motion and a second. Any discussion? We will see how that fits on the April 6<sup>th</sup> calendar and with the motion, register your vote. Thank you unanimous.

**ITEM 28 – SHERWOOD HEIGHTS PLANNED RESIDENTIAL DEVELOPMENT AMENDMENT**

[Time: 00:26:11]

Well, we will now go on to item 28. Item 28 is the Sherwood heights planned residential development amendment. The presenter is Doris McClay. She's our senior planner. She will present and then we'll have the applicant provided ten minutes and then we will open public comment. So let me turn it over to Doris McClay.

Senior Planner Doris McClay: This is Doris McClay. Mayor and city councilmembers, Doris McClay with the planning department presenting the Sherwood heights PRD amendment request. 16-ZN-2003 number 2. Next slide, please.

Sherwood heights is located between north 56<sup>th</sup> street and north 60<sup>th</sup> street and north-south, generally located between oak and Wilshire. Next slide, please.

Here is a close-up of the subdivision. The subject properties are zoned single family residential, planned residential development. Planned residential development overlay was approved by city council in 2003, amending the building height in the Sherwood heights subdivision. Next slide, please.

This request to increase the minimum lot size will be applied to 80 properties within the Sherwood heights and they are noted on this map in the blue dot. The remaining reports will be under the 10,000 -- the current 10,000 square foot minimum lot area requirement. Next slide, please.

In the future if properties within Sherwood heights could request to be added into this PRD amendment, or properties currently under this application could request to be removed and go back to the minimum 10,000 square feet lot area requirement. Next slide, please.

The action requested tonight is to adopt ordinance 4429, which is approved by the multiple owners to amend the single family residential from 10,000 square feet to 15,325 square feet which would be applied to 80 of the 118 properties in the Sherwood heights subdivision. Next slide.

That concludes staff's presentation. The applicant is here to make a presentation. Thank you.

Mayor Ortega: Please identify yourself and who you represent and continue with the presentation.

Applicant Representative Lauren Trapp: My name is Lauren Trapp and a member. Sherwood heights neighborhood, presenting this evening. I would like to respectfully request an additional two minutes for the presentation.

[Time: 00:29:23]

Mayor Ortega: Yes.

Applicant Representative Lauren Trapp: Thank you so much, good evening mayor Ortega, Vice Mayor Janik. I'm Lauren Trapp and I have been a member of the Sherwood heights neighborhood. We are zoned R1-10, PRD. The standard R1 height for building is 30-foot. In 2003, Sherwood heights, Sherwood estates, Sherwood park, successfully amended their R1-10 zoning to restrict the height of homes to 16 feet to maintain the rural character of our neighborhoods.

In June of 2020, a developer bought a home in Sherwood heights at the corner of Wilshire drive and 60<sup>th</sup> street where the lot size was over half an acre at 25,299 square foot. The planning department approved a residential minor subdivision to split this lot into two lots each approximately 1,205,800 square foot.

This approval was done without neighborhood input, and without consideration of the southern Scottsdale character area plan or the Sherwood Heights area neighborhood plan. The R1-10 zoning allows the minimum lot zoning of 10,000 square foot. We are asking to increase our minimum lot size from 10,000 square foot to 15,325 square feet, which is the smallest lot in Sherwood heights. In slide, please.

This is part of the original brochure. Mr. Castleberry did this to build homes that are individually blended proudly on their estate-sized lot reflecting their quality and prestige. Our intention is to ensure that the original character is preserved through the 16-foot height restriction and now to increase the minimum lot size to 15,325 square foot. Next slide, please.

Our boundaries are Wilshire drive to the north and oak street to the south and 60<sup>th</sup> street to the east and 56<sup>th</sup> street to the west. Please note the red x. This is the spot where the drone took the next picture. Next slide.

Isn't that pretty? All the homes you see looking south from Wilshire drive are part of the Sherwood heights neighborhood. For the last 66 years there have been only 117 original lots, each with a single family home built between 1955 and 1965. The average lot size exceeds half an acre. You are looking south to Barnes Butte and Papago Park. Next slide, please.

Our neighborhood association was formed in 1986. We took on projects with the city all with the best interest of the neighborhood in mind. In the early 2000s, the neighborhood compiled a directory which later became a private email list that's still in use to find lost pets, get referrals and inform the neighborhood.

When we were being targeted by burglars in late '90s we created an effective block watch team that's grown to 28 block watch captains representing over 300 homes. These photos were taken at our 20<sup>th</sup> annual gain event be in 2019 before the pandemic. We have a great relationship with

the fire department and the police department and the library and other city services. Next slide, please.

The support and the collaboration between the city and Sherwood heights is undeniably great and sincere. In 200, 2the city invested substantial resources publishing the Sherwood heights neighborhood plan this has many aspects that are relevant.

Preservation of the character of the neighborhood was our top concern then and remains so now the plan states it's considered the prototype that will set the standards for the future of development plans. I pulled from page 6.

Throughout the years this neighborhood is sustained the cohesiveness and maintained its original character and demonstrated pride of ownership. We found that Sherwood heights was not projected by this plan or the southern Scottsdale character area plan when the subdivision of lot 106 was approved in October of 2020. Next slide, please.

[Time: 00:34:02]

This is the resolution and ordinance to replace the 1972 subdivision ordinance. It recognized that development had evolved substantially since the '70s. Scottsdale has grown to its borders and minor subdivisions of up to five residential lot may have had the intent to promote infill. There were 29 minor subdivisions since 2019.

Of those, there are three R1-10 subdivision. It was developers targeting in Arcadia and the Sherwood heights. These quick business deals benefit developers and destroy the character of the neighborhood they target. There is no mechanism for us to have a voice have an input in the current process. In slide, please.

The Maricopa County map is a partial map of the Sherwood heights and it highlights the lot 106 into 106a and 106b. The lot split is noted in the blue on Wilshire drive and 60<sup>th</sup> street. You can see the large non-rectangular lots. There was no plan to conform to the R1-10 minimums.

And it's larger than half an acre and the homes are situated to take advantage of blues. The coalition of greater Scottsdale points out that when Scottsdale annexed Sherwood heights from the county, they did not apply appropriate zoning to the established subdivision.

Which is why neighborhoods now find they have to do something to protect their lot sizes. Our lots average 23,083 square foot and are as large as 34,607 square foot. Lot splitting was not intended for places like Sherwood. We wrote in support of our zoning amendment that, quote, this case is the poster child for the city's neighborhood planning process. Next slide, please.

The biggest takeaway from this process is don't underestimate the interest and the support of the community in defending our neighborhood's integrity. We also learned that our

neighborhood plan is outdated and not effective as a planning document. 77% of our lots are over 27,000 square feet. And R1-10 requires a minimum of 10,000 square foot. This causes us to be vulnerable to developers looking to turn a quick profit by leveraging the minor subdivision to their favor.

Amending R1-10 PRD zoning standard is the only option we have to exclude lot splits. Adopting this as our minimum lot size would require a lot to be at least 30,650 square foot before it conforms to other R1-10 minor subdivision criteria. We are grateful this process is available to us, even though it's expensive, complex and lengthy. Next slide, please.

Based on our experience, we recommend that we partner with the city to update the Sherwood Heights neighborhood plan, develop a process so the neighborhood could enforce the plan, in partnership with the planning department and promote neighborhood participation in the minor subdivision process to preserve older R1-10 zoned neighborhoods that were developed in the '50s and '60s and enjoy half acre and larger sized lots.

[Time: 00:38:14]

Our one request in addition to your favorable vote is to allow additional homeowners to join the PRD with a fast-track process. We will have a few homeowners that are still contemplating joining as well as new homeowners who might sign up. Next slide, please.

This has been a shared journey by an engaged communicate. We want to take this moment to recognize the effort of so many folks that brought us to this finish line. 70% of the lots in Sherwood heights will be protected with our vote to approve the amendment to 15,325 square foot. There are multiple teams involved.

The team that led to the signing of the prop 207 waivers and the team that led the notification of the prop 207 and the mobile notary team, the board of adjustment team navigated the legal challenges that took five months to achieve closure and the communication signage team that kept the focus on the amendment that we present to you today. Next slide, please.

The next two slides list the names of over 200 neighbors that committed to having their voices heard by writing letters opposing the lot split. Some live in Sherwood heights, some if in Sherwood estates and we love the habitat for javelina, fox, coyotes, bunnies, quail, hawks and others to nourish in a low density natural setting that sets our neighborhood apart. Next slide, please.

We protected our mountain views in 2003, with the 16-foot height restriction. Now we are faced when a minor subdivision that will alter the character of our neighborhood and our voices are unified against further lot splits. We want to thank Howard minor and the whole coalition of greater Scottsdale for your support. We want to thank you, Mayor Ortega, Vice Mayor Janik, and we are excited about the work that you are doing on the general plan. We want to thank the planning department and Doris McClay for helping us get to the finish line tonight and to the

board of adjustments for their unanimous votes in support of our effort. This concludes our presentation. Are there any questions? I'm sorry. Can you go to the last slide? There we go. Thank you, everyone.

Mayor Ortega: Thank you, very, very much Mrs. Trapp. At this point, I will move to public comment. We show one comment so I would ask the staff to handle that and then we will get into any questions from council and then a motion.

[Time: 00:41:15]

Management Assistant Shane Stone: Thank you, Mayor Ortega, and members of council, we will go to Ms. Shade for public comment. You should be able to hit star six on your device and begin public comment now.

Citizen Lillian Shade: Good evening. My name is Lillian Shade. I live at 5701 east Wilshire drive in Sherwood heights since 1986. I'm affected by the first lot split in Sherwood heights. I applaud the city's sensitive design plan adopted in 2000 that established that the Sonoran desert is essential to the city's quality of life.

Sherwood heights epitomizes this vision. The seven Scottsdale character area plan adopted in 2010 protected established neighborhoods, like Sherwood heights and guides its future development.

The staff report did not show the Sherwood heights neighborhood plan in 2002, which established that the city and how the residents would preserve the original character of our neighborhood. This omission is not reassuring. These three plans did not save Sherwood heights from a split that threatened the open desert character of our neighborhood. The zoning department recommends this minimum lot size overlay as the only real protection available to us. I support the overlay.

I recommend that the city council amend the zoning ordinance to require that all city plans related to the general plan be actively -- and I mean very actively implements in any residential minor subdivisions. Developers are quick in and out actors leaving the city and its residents to deal with the aftermath.

This first lot split has irreparably damaged my neighborhood and the property rights of its existing homeowners I ask that the city honor and enforce its plans to preserve Sherwood heights and similar neighborhoods. Thank you for your attention to this critical matter. Thank you.

Management Assistant Shane Stone: And mayor Ortega, and councilmembers, that does conclude the public comment on this item. Thank you.

Mayor Ortega: Thank you. I will close public comment. And open for any questions.

Councilwoman Whitehead.

[Time: 00:44:02]

Councilmember Whitehead: Thank you, mayor. I want to thank Lauren Trapp and all of the neighbors in Sherwood heights and the surrounding neighborhoods. This has been a monumental effort. I want to ask staff what we need to do to expedite the adding additional homeowners should they desire to do so.

Randy Grant: Mayor and members of city council, there is a process to do this. And unfortunately changing to a PRD is a zoning process. We can certainly expedite the process of future interests in this, but it would come back to the council for action to add to the rezoning. Thank you.

Councilmember Whitehead: Okay. So the application is filed and council just has to vote on it. Is that what I'm hearing?

Randy Grant: That is correct.

**ITEM 28 – MOTION AND VOTE**

[Time: 00:45:23]

Councilmember Whitehead: Other than filing, it is not an added burden on the homeowners. I would make a motion to approve the Sherwood heights planned residential development amendment, ordinance 4429.

Vice Mayor Janik: I second that motion.

Mayor Ortega: I have a motion by Councilwoman Whitehead and Vice Mayor Janik.

Councilmember Littlefield: And I would add ordinance to amend the single family residential planned residential development, R1-10 PRD, District minimum lot area requirement from 10,000 square feet to 15,325 square feet to be applied to 80 of the 118 properties in the Sherwood heights subdivision.

Mayor Ortega: Thank you. Thank you so much, Councilwoman Littlefield. Any other discussion? Please mark your vote. Aye. Unanimous.

Thank you and good luck with your project. You know, I set myself off a little bit when I moved on to 27. I made a note about the 26a. It was the unanimous council vote to accept our new treasurer, and I had that in the way of everything else when I moved on.

I do want to congratulate our new city treasure Sonia K. Andrews, and welcome you as a charter



officer and all of those responsibilities. So I will I wanted to make a note of that.

**ITEM 29 – MONTHLY FINANCIAL UPDATE**

[Time: 00:47:33]

We will now move on to the next item, which is item number 29 pertaining to the monthly financial report, acting city treasurer Judy Doyle. Please lead the discussion.

Acting City Treasurer: Great. Thank you, mayor and councilmembers. I couldn't agree more with your selection of Sonia Andrews. Excited to have her on board come June 1<sup>st</sup>. Thank you. So tonight is the financial update, next slide, please.

So looking to the general fund sources, we are in total 21.9 million or 11% favorable when compared to the budget. And down just 3.5 million when compared to last fiscal year's results through member. Most of tonight -- through member. Most of tonight's presentation will sound like the last couple of months.

As I mentioned during the January results presentation, as we continue to move through the fiscal year, a lot of explanations remain the same from prior months. But for the benefit of folks who might be watching and didn't have the opportunity to see or hear prior financial updates I will touch on those categories that are driving the significant variances.

As we have been seeing the increases, the taxes local category at 13.5 million favorable or 16%, virtually all of which is sales tax, which I will cover on the next slide. The property tax is favorable due to the timing and the budget spread. The budget spread is based on the way that people paid on average over the last two fiscal years and this does seem to vary. State shared revenues are favorable \$5.3 million. And state shared sales tax is the majority of the variance and is again consistent with what we are seeing in the local sales tax.

Charges for services is favorable. It's due to hosting a much larger equestrian national show at WestWorld. Than originally planned and reimbursements for costs related to the assistance that our fire department provided in response to fires around Arizona.

Licenses, permits and fees is 700,000 favorable variance, primarily due to recreation fees. This favorable variance is the occupancy in our facilities being better than what was expected. Forfeitures is \$800,000 or 17%. Due to lower received photo radar revenue, related to less people being out on the roads this fiscal year and others delaying payment related to fines.

Additionally, there's less jail dormitory as a result of fewer offenders being housed in the jail due to COVID concerns and the favorable variance and transfers in is primarily due to the reimbursement of the general fund for a debt service payment for C.I.P. stormwater fees. And there's higher enterprise franchise fees due to more revenue collected in the water and the water reclamation fund than anticipated, which consequently affects the transfer into the

general fund.

The increase is the result of greater water deliveries, due to the lack of rain and excessive temperatures that Scottsdale had faced this year. Next slide. We are 18% favorable to our budget. I will note for just the month of February we came in at 4.5%. Our tax audit team continues to dive into the data and sees inconsistencies which taxpayers are paying.

Our budget spreads are based on past history and taxpayers seem to be inconsistent and when they filed this month, versus whether they filed last year this month. Decision our sales tax revenue can be influenced by the unpredictability in which the Arizona Department of Revenue distributes our collection. I did add a slide to the presentation.

So I will come back to this slide in just a minute next slide, please. To paint this picture ever inconsistencies and unpredictability for you, I graphed our sales tax for month for '18/19, which is the blue line. And the '19/20 and is the orange and the black solid line is the current fiscal year's actuals. And looking at this, you can see by month, it's not much of a meaningful trend line.

[Time: 00:52:44]

Even in the fiscal year, the last fiscal year's orange line in April, May and June when we started to see the signs of the pandemic this included inconsistencies. My point in showing this is the difficulty that our tax audit team goes through when doing their analysis. They dive into the data looking at specific taxpayers and identifying when they paid this month, versus last month, et cetera, to determine if we're seeing a trend or seeing inconsistency in payments from ADOR. Our tax audit team is led by Terry Hogeland, and they do a great job of digging into the details and forecasting our sales tax revenue.

I'm confident when they say the variance are related to timing, they are related to timing. Of course, if we start seeing something other than the timing of the actual collections when compared to the budget, we will most certainly share that with you. Next slide, please.

Looking at the big drivers. Automotive, due to car dealers doing better than expected, presumably as a result of the promotions and incentives dealerships have been offering. Construction, due to the increase in construction activity and speculative sale activity. Dining and entertainment, restaurants are continually doing better than anticipated, even with the reduced capacity that had been in place, as a result of the pandemic. Food stores, mostly due to more people eating at home.

Hotel/motel, and we are seeing increased online shopping and other activity due to an increase in taxable sales from computer software, hardware sales at wholesalers and manufacturers. So overall our revenues continue to be in a favorable position and we continue to remain optimistic and as noted by my favorite local economist this week. The sheer amount of the latest stimulus being put into the U.S. economy on top of the earlier relief bills, paired with accelerated

vaccination, the economy is expected to boom over the next few quarters. After that, the amount of stimulus is likely enough to keep the economy humming for another couple of years. Definitely optimistic.

[Time: 00:55:30]

Now turning to the uses side, this reflects an unfavorable variance -- excuse me, a favorable variance of 500,000 or virtually zero. As I mentioned the last couple of months the unfavorable variance of \$4.8 million in the transfers out is related to the purchase of land from the Arizona State land department for the WestWorld main access and master plan project, which was approved by council in December.

So without that transfer out, we would be reflecting a favorable \$5.3 million variance or about 3%. Personnel services and contractual services are making up the majority of that favorable variance, and I will touch on the personnel services on the next slide. The contractual services favorable variance is as I mentioned in previous months due to the timing of invoices, savings and jail services due to fewer offenders act rested and sent to Maricopa County jail and fewer photo enforcement dispositions.

We are seeing savings in maintenance costs as they place less usage on facilities at locations such as the Tony Nelssen Equestrian Center. Next slide. That's a 2% favorable. The salaries is favorable, 800,000, due to rank pro e motions within public safety replacement employees coming in at the lower rate than the person who was promoted.

Overtime is favorable by 4% or \$300,000. I mention this because this is the net of an unfavorable variance in overtime in fire due to firefighters out of work, due to workers comp, off-duty injuries, FMLA and covering apparatuses while the wildland fire teams prepared for the fire season which was worse than usual this year.

This unfavorable variance in fire is completely offset and then some by a favorable variance in police due to several special events requiring overtime support being canceled or rescheduled due to the pandemic. Including a heavily downsized waste management open and related event such as the bird's nest retirement concert series.

The retirement expenses were lower than estimated. As a result ever less experienced employees replacing retirees who were more of a burden open the retirement expenses. And then the change in the general fund fund balance through February, is favorable by 22.4 million. We will bring this all to a bigger picture when I present the 2021-22 proposed budget on April 20<sup>th</sup> and that concludes my presentation and I'm happy to answer any questions.

Mayor Ortega: Terrific. Thank you, Ms. Doyle. Are there any councilmembers with comments? I see none on the board. So we will conclude item 29.

**ITEM 30 – PLANNING COMMISSION MEMBERSHIP**

[Time: 00:59:09]

And we will move on to item number 30. Item 30 is agendized as consideration for the membership status of an individual on planning commission. It is standard procedure for the city auditor to audit the committees. And it's done every three years by the charter. And I think people have sign what the issue is, if you see it on the screen.

I'm speaking to the fact that the planning commission as audited for three years and that audit report was presented at the time when Councilwoman Korte and Whitehead and Littlefield received that report.

That report detailed the performance of four years and the purpose of that report was to show where all the matters this were on the agendas and it also included information regarding individuals, absences and recusals.

This kind of audit was not a -- directed towards any individual. We will see similar audits on every other commissions and boards. This audit report came to this city council on June 12<sup>th</sup> -- sorry, January 12<sup>th</sup>. On January 12<sup>th</sup>, the agendized item was a review of that. It's all public information, both the audited report, as well as report that as included.

It looked at whether planning commission should be sunsetted, and it included other information. I reviewed it, read and I was alarmed by an attendance, recusals and absences of a particular individual and individuals. Because the duty of all commissions is to safeguard the city.

This committee has seven members and on occasion as many as two people recused an commission. Whether it will be for a parks and recreation commission and a number of meetings and refusals, it would be equally alarming if they were such high numbers.

It was chance that I found this, and I tried to contact the individual for two weeks and no one was picking up the phone. The if a accounts speak for themselves -- the facts speak for themselves and I'm bringing it forward today.

We can discuss any aspect of this, and I would -- if there's any questions from the council as far as our ability to conduct this, please so state. Councilwoman Janik?

Vice Mayor Janik: Yes. I have a question for attorney Sherry Scott. What guidance does the ordinance provide in terms of service from boards and commissions?

City Attorney Sherry Scott: Thank you, mayor and Vice Mayor. The ordinance provides under the boards and commissions section in Chapter 2 that appointed board and commission members serve at the pleasure of the city council which is a polite way of saying that the city

council could remove an appointed board or commission member for any reason at any point in time.

The ordinance goes on to talk about absences and tardiness and more generally to state if any appointed board or commission member becomes unable or unwilling to serve -- now let me pause and say that is at the council's prerogative.

The council could consider whether or not to remove or replace that commission member. So that's a general guidance that you see in the boards and the commission ordinance. Again, there is a specific number of absences or tardinesses that would trigger that same process of placing it on an agenda for consideration of removal or replacement, which would not be applicable here. Here it's just the more general provisions.

Mayor Ortega: If there are any questions, I would like to go to public comment. And then we can discuss a motion.

Shane Stone: Our first comments come from commissioner Smith. Commissioner Smith, you should be able to press star six.

[Time: 01:05:42]

Planning Commissioner Prescott Smith: Can everyone hear me okay?

Mayor Ortega: Yes.

Shane Stone: Yes we can.

Planning Commissioner Prescott Smith: Wonderful. Mayor and council, for your record, my name is Prescott Smith, and I reside at 6371 east Weldon Avenue in Scottsdale. I provided a statement to you that should be on your desks and hopefully you have had a chance to review that.

As you may know, I'm a native Scottsdale with a long history of the community involvement and I'm proud of my four plus years of service on the planning commission. I'm sure that you can understand why I continue to be shocked by the mayor's approach to me.

I believe that my personal experiences and professional expertise provides me unique insights on issues that come before the planning commission. I believe that my performance on the planning commission has resulted in better projects and a better Scottsdale.

It is important that our boards and commissions are filled with engaged citizens who have knowledge and expertise on the issues that come before them. I have not violated any rules or conducted myself in an unethical manner. In fact, it's quite the opposite.

I believe that I have held myself to the highest moral standard so as not to put myself or the city in an undesirable position. If there are questions or issues relating to the performance of different city boards and commissions and how they are operating and governed certainly seems like a more appropriate course of action.

Scottsdale is a wonderful city who has so many selfless citizens who give back. No individual volunteer should be singled out and treated in this manner. The support that I have received from so many members of our community on this issue has been heartwarming and greatly appreciated. I love the city of Scottsdale and I really hope to continue my service on the planning commission. Thank you.

Shane Stone: Our next public comment is coming from Mr. Maxwell. You should be able to press star six on your device and begin your public comment.

[Time: 01:07:47]

Kevin Maxwell: Mayor Ortega, Vice Mayor Janik and members of the council, thank you so much for the opportunity to speak tonight. My name is Kevin Maxwell. I didn't realize I was going to be following Mr. Smith.

Because it sounds like I'm echoing some of the things that he mentioned. I will go ahead and say that what I find about this issue is interesting is that, you know, this is a very specialized commission. The skill set needed to sit on that commission and be an advocate and make some quality decisions requires a breadth of knowledge and experience about urban planning, development, zoning, and some legal aspects around development. And that is a very difficult thing to do.

In a perfect world, it would be great where we could have all the councilmembers not be membered, who never have to recuse themselves at all. But if we had that, then they may or may not be able to bring the breadth of knowledge that Mr. Smith brings to the council.

As he mentioned, he's never broken any rules. Never violated anything. His attendance is not in question. His tardiness is not in question. He has had to recuse himself from time to time when he feels it's in the best interest of the city. And I think that I would typically agree with that.

As a matter of fact, I would go so far as to say that he has erred on the side of caution when he thinks this might be any type of integrity issue. Mr. Smith has served our community well. I would rather have him continue to serve on the board, and on the commission, and bring us his expertise and -- and advocate for good quality projects and leverage his skills.

Rather than having somebody on the council who is not able to speak with as much experience as he has. So I would encourage the council to let Mr. Smith serve out the rest of his term and perhaps in the future if we need to make any changes. I think he's done a wonderful job for our city and I would encourage the council to keep him on board for the duration of his term.

Thank you so much.

Shane Stone: And for our next public comment, we will go to Mr. Alexander. Mr. Alexander please press star six, and begin your public comment.

[Time: 01:10:05]

Citizen Jason Alexander: Hi, my name is Jason Alexander. 9976 east Jasmine drive. I do not agree with this effort to oust Mr. Smith. I think this action is both short sighted and unprofessional. Recusals are a concern for all commissioners and a byproduct of expertise. I first met Mr. Smith in 2017 when the Desert Discovery Center came before the planning commission.

At first, I fell for the us vs. them evildoers, sold out council jargon but Mr. Smith and I sat down for coffee and he shared that while he's obviously with the industry, he brings a great deal of specific expertise to his role.

His job is outreach. Soliciting feedback to help improve projects. We need experts on our commission. Council should adopt a more thoughtful standards. Moving the goal posts is unfair. Mr. Smith has served admirably under existing rules and deserves better. We are a golden rule city and this is not how members of a high performing organizations treat each other. How many times have you spent your time in modern companies with dedicated H.R. departments.

This is not accepted under those types of measures and started. Weekend, plays like go daddy and nationwide and have more have performance reviews based on a culture of serve and leadership from top to bottom. This is unprofessional, unprecedented move this council. It's punitive and not collaborative.

It bullies a single individual without any measurable guidelines last week the economic development team told you that Scottsdale counts for 25% of the entire I.T. portfolio, for the state of Arizona. Scottsdale's brand is much bigger than one commissioner and a sudden need to fire him. Follow the golden rule. Thank you for your time.

Shane Stone: Mayor Ortega, and councilmembers that concludes the public comment.

Mayor Ortega: I close the public comment. I now have Councilwoman Whitehead.

Councilmember Whitehead: I want to focused on what the end goal is here. In 2019, I brought up a similar request and the majority of the council did agree with me to review recusals and absentees on board. Then 2020 happened and we didn't finish the job.

I think we have a similar end goal and it's been ten years and since the city council has reviewed boards and commissions. A lot of things have changed. I would like to see that happen. I think there's a number of ways we can improve our boards and commissions.

I can tell you that there's room for improvement and I can cite two examples. I attended a meeting in December of a commission, and there were about five or six staff members lined up to speak at that meeting, and we didn't have a quorum.

Fortunately -- I don't know, maybe five or ten minutes, another person showed up. And we have five or six people applying. On the recusals, yes, I think that -- I appreciate people being honest and recusing themselves but I can tell you that I have had recently a citizen who was pouring her heart out. And she called me up after she found out that the commissioner was related to a person working on the application on the applicant's side and cried.

Can we do better? Yes. So then the question is, does this get us there? I think our goal is to improve the commissions and the boards and to improve the public trust. I don't think this gets us there.

In fact, I think that voting on one commissioner without clear metrics without what we want from the commissioners will undermine the public trust. That sets us back and I think this commission -- or this council is so able to instead invest time and ask staff and get input from staff. And find a way, a path forward that will raise the bar.

I want to review ethics ten years ago. There wasn't nextdoor.com. There's a lot of things that we can review as a council to improve the commissions and improve the process. I think there's a problem often with two people recusing themselves, but I don't think we have clear cut metrics that we applied to that where these commissioners know in advance or perhaps they themselves would not apply for the commissions.

That would be my recommendation to have on an agenda, a review of the guidelines on boards and commissions.

[Time: 01:15:50]

Mayor Ortega: Thank you, councilwoman. I hear you as a future council agenda item, but that's not what is agendized today and I would certainly support by the way that tightening. This was brought forward because of an extraordinary case and this is our oversight and our duty to take actions.

I see no other comments. Do I hear a motion? Okay. I have some comments. Councilwoman Caputi, and then Councilwoman Littlefield and Durham.

Councilmember Caputi: I have quite a few comments.

Mayor Ortega: Good. Good.

Councilmember Caputi: I just don't see how commissioner Smith is either unable or unwilling to perform this function. I'm not convinced here. I completely oppose removing Prescott Smith



from the planning commission before his second appointed term completed next December, both as a resident and a councilwoman, and as a former volunteer.

[Time: 01:17:44]

This is a volunteer position. And I know how much time and sacrifice goes into this job. Mr. Smith has been a tireless volunteer for our city for many years and an engaged citizen, working to improve our community. Mr. Smith is duly qualified commissioner.

It would be unjustified to remove him at that point and would reflect poorly on how the city treats its volunteers. Planning commissioners are appointed for the professional expertise in order to advise this council on planning and zoning issues. Having professional expertise in this area will naturally generate conflicts from time to time.

Mr. Smith has done the right thing going above and beyond to refuse himself for any real or perceived conflict of interest on a case. Why would we punish him for this? It sends a horrible message to our community and the others on commissions and boards.

The average hearing agenda has probably five cases. So out of 400 cases. He's refused himself from 10% or less. We are not talking about an absence from an actual meeting. We are talking about recusing from a particular case inside of a meeting. Commissioners refuse themselves for a -- recuse themselves for a case, not the meeting. Again, people who do this for a living will have conflict and every once in a while, we need to recuse.

Mr. Smith does community outreach for a living. He makes sure that residents are informed and aware of projects in their neighborhood and that's something we all say we want more of. This makes him, in my opinion uniquely qualified as an advisor to this council.

We need to establish parameters and good process and not just randomly single someone out. This feels like a personal vendetta than a professional action. I say, let's have a review of the policies, related to commissioners and board members so we are moving forward in the future. I have a few more comments.

Planning commissions are here to advise this council. We certainly don't have to take their advice. We shouldn't try to create advisory boards that are filled with echo chambers, people who are just going to tell us what we want to hear, right? Good advice depends on having a mix of opinions and experiences and viewpoints.

That's what we all bring to this council and Mr. Smith's has proven to be valuable to this community time and time again. I just want to conclude by saying that we have now wasted most of last week and all of the weekend on this item. Trying to remove a valued and experienced volunteer when we should have been working on much more important and pressing city items.

Prematurely removing Prescott Smith from the planning commission is a terrible idea for the city and a terrible message to our valued volunteers and our citizens. I do not think we should move forward with this. Thank you.

Mayor Ortega: Okay. Councilwoman Littlefield.

[Time: 01:20:23]

Councilmember Littlefield: Thank you, mayor. It's the measure of board members to serve at the measure of the council. It's our duty and our right and our power to say, no, go away. That's what we do as taking responsibility for the boards and commissioners. We appoint them. We also have the right to deappoint them, if you will.

I also believe a board or a commission, is weakened when one or more of its members must be recused. The numbers are not in question. He recused himself on all of those issues and all of those projects.

One the things that should be known about the projects is those are not the minor little projects that go through on the consent agenda. Those are the major projects that go through the planning commission for the city of Scottsdale and they are usually very, very large John berry-type projects. They are not immaterial.

I do agree on councilwoman Caputi. We should have a study session on this. There have been other occasions where commissioners have been taken off commissions and boards. And we need to take a look at what we are doing and why we are doing it and updating what our rules and regulations are for ourselves and this would be something just for the council to do.

We have the right to remove a sitting commissioner or board member, but we ought to have the rules and regs so that it's not a political agenda item. That bothers me.

We should include when the recusals or needed and not needed and the maximum number we should consider looking before we take somebody off. There should be exceptions of health or family issues. We need to have a questionnaire-type thing like we do with our charter officers to have each one of us separately and individually look at this and say, is this acceptable? Is this not?

And we don't have anything like that. I would agree with you, we need a study session. We need to say how can we upgrade this and update this and make it better because we are ultimately responsible. We are the council. We appoint them and we can deappoint them.

Prescott Smith is had serving for an additional two years if we leave him on the planning commission. He will undoubtedly recuse himself during those two years for some pretty maimer projects -- major projects because John berry is in charge of most of the big guns in town.

That's something that we need to consider here tonight. I think it weakened our commissions and boards when we don't have full membership participating, because there's a reason the boards are the size they are. Seven members on the planning commission. That's to give a well-rounded viewpoint. That's to give enough input and the commissioners get enough input from the citizens and from other sources that we get a total view of this project we can see what's going on with it.

And when one commissioner is gone, for the big projects, then we don't get that quite as well as we should. That is my big concern. We need to make sure our commissions are working properly and that we get maximum input and benefit from them as a council. That's why they exist.

I don't like the way this was done either. I think there's a better way to do. This how with we upgrade those rules and update what we do and how do we know we are doing it properly? And those are things I would be interested in doing and when this meeting is over, I will suggest we do that.

So on the other hand, we do have the right to do this. It is within our purview to them off if we don't feel they are fulfilling the obligations of city. So that's where I am.

Mayor Ortega: I see Councilmember Durham.

[Time: 01:25:07]

Councilmember Durham: Thank you, mayor Ortega. A lot of people are trying to make this about Mr. Smith, and it shouldn't be about Mr. Smith. It's not fair to him that this is centered on him. It's not about his ethics and his honesty. He's overly scrupulous. As a former lawyer, I understand the difficulties in making recusal decisions and they are very difficult. But the end result is still the same.

This is not about Mr. Smith. It's about Scottsdale. And right now as Councilmember Littlefield mentions. Scottsdale don't have a full complement on the planning commission. We all rely on the commission.

On major issues, I wax the videos. -- I watch the videos. I listen to what they say. And I think it's very important that we have a fully functioning commission. As we rely on it. Some people, both Councilmember Littlefield and Whitehead said that we should have fairer standards.

That's a failure of this council and we ought to fix that, but in the end my view is I -- I woman back to this is about -- I come back to this is about Scottsdale. This is not a random selection of an individual for personal reasons. It's not that at all.

The recusals are, in my view, are just too many and those refusals interfere with the proper functioning of the planning commission. So it's a very unfortunate situation. I agree with Councilwoman Littlefield, it's not fair that it happened this way, but we have got to be fair to

Scottsdale.

And that's where our loyalties lie and so for that reason, I would -- I would in favor of dismissing commissioner Smith from the planning commission. Thank you.

Mayor Ortega: I see no other speakers. Councilmember Milhaven.

[Time: 01:27:51]

Councilmember Milhaven: Well, councilman Durham, I agree with you, it should not be about Prescott Smith, but it is. If we need to have a rule around recusals. I don't think that is, I think as you suggested there's lots of what is a statutory, versus what is perceived and I certainly wouldn't want to put in any rules that would create a disincentive for folks to declare a conflict. Despite the fact that I don't think we need that rule.

I think if we are going to take action based on what we think the expectations should be, we should not retroactively create a rule. I agree with you that it's about Scottsdale, but I disagree with you that the commission is not fully functioning. I would also point out that this is the planning -- planning is an advisory body. They really have no formal -- they help inform us on what they think.

While do I think it's about Scottsdale, I don't think that it's a disservice to Scottsdale when someone recuses themselves. I think it is a service. And I want to go on more, right it shouldn't be about one individual but it's interesting when, you know, the mayor and his opinion piece in the paper says, we could put a rule in place but it wouldn't allow me to remove this person.

That sounds pretty personal. And when the newspaper starts calling for comments on this item before the agenda is posted with the additional comment on there, it seems to me it's a whole lot more than creating good process and it's a whole lot about attacking an individual.

### **ITEM 30 – MOTION AND VOTE #1**

[Time: 01:29:49]

Councilmember Durham: So I certainly agree with my colleagues who think that we should do a review of boards and commissions and I certainly don't think we should retroactively take any action on a board member for a rule that we might put in place in the future. And I do think that this was made personal when it should not have been. I would like to make a motion to take no action on this item.

Councilmember Caputi: Second.

Mayor Ortega: We have a motion and a second. Any discussion? Those against say no. Those for, yes.

[ Off microphone comment ]

Mayor Ortega: Yes means no action.

Councilmember Milhaven: It's the -- someone needs to make a second motion.

Mayor Ortega: So if the motion fails, the negative has been stated. So I will be -- be voting no. So the motion failed and Ms. Janik, would you -- do you have a motion?

Vice Mayor Janik: Well, I more have a comment. And my comment is I put a lot of thought into this. For me, this is not personal.

Basically, it's just that we have these boards and commissions to help us make decisions and if we don't have the sufficient number of people to make decisions, it makes it difficult for all of us. And there are other boards and commissions that would be very, very happy to have someone with Prescott Smith's credentials.

I do think he's done a very good job. I understand everything that you have said but at the end of the day, I agree with councilman Durham, that we need to make sure that we have our full complement of people on board when we hear all of these cases so we get better representation and hopefully solid decisions.

### **ITEM 30 – MOTION AND VOTE #2**

[Time: 01:31:58]

Vice Mayor Janik: So I guess the motion would be that we would vote to dismiss Mr. Smith from the planning commission.

Mayor Ortega: Thank you. I hear a motion and a second?

Councilmember Durham: I will second.

Mayor Ortega: A second from councilman Durham. And just a final remark on my part, I believe Councilwoman Milhaven made the public opinion and took -- made her statements publicly before I had to respond to her. So please note that. You did that in a public forum. So all in favor say aye.

My screen needs to be reset here, but -- I'm an aye. I'm getting a message box. There we go. Thank you. The motion passes.

**MAYOR AND COUNCIL ITEMS – MOTION AND VOTE**

[Time: 01:33:17]

Now, with that, we are concluded with the agenda items. However, if there is a mayor and council item, please bring it forward. Thank you. Councilman Littlefield.

Councilmember Littlefield: Yes, I would like to continue with my request for a study session by this council to be scheduled at council convenience for review and possible update on the procedures and protocols pertaining to our board members and commissioners, the termination thereof and a lot of various different rules and things that need to be updated in our discussions.

I would like to leave it open as much as possible. And take a look at what we have got and what possibly we need to do to make it better. So that's my -- my request. Make a review of any other pertinent guidelines that should be considered and possibly consider doing a questionnaire similar to what we did when we interviewed our charter officers having possible questions that we could just review in our heads as we go through some of this and see where we stand on each one.

Hopefully that could help to take some of the politics out if people feel that it is political. I wouldn't that just state for the -- I want to just state for the record that this was not at all political for me. I like Prescott Smith. I feel this is a very sad day. So I'm not happy about it.

But I would like to have a much better control over this as a council -- as a councilmember. I know we are each individual on this, and I support Councilmember Caputi's suggestion also that we do this. So thank you.

Mayor Ortega: Thank you Councilwoman Littlefield.

Councilmember Whitehead: I will second.

Mayor Ortega: There's nothing to discuss on that matter. Thank you so much. Accordingly we are adjourned.

City Attorney Sherry Scott: I'm sorry, mayor. Before you adjourn, I do think that there needs to be a vote on placing this on a future agenda under the mayor and council item.

Mayor Ortega: Excuse me. Thank you. And with that, I had a request. Do I have a second on that?

Councilmember Whitehead: I will second that.

Mayor Ortega: We have a request and a second regarding the matter of having full recusals,

absences and other discussion of board membership in the future, all in favor say aye. Excuse me, Councilwoman Caputi, do you have a comment?

Councilmember Caputi: I want to make one final comment. I do think as we get together and discuss what it looks like to make rules and regulations and policies and procedures, we should not lose sight of the fact that quality matters a lot more than quantity.

Yes, quality matters more than quantity. While I hear the comments about having a full seven, I don't want to give up quality in the gain of quantity. We need to have people on boards and commissions who have excellent expertise in the field in which we are trying to get advice from that and will, of course generate conflicts for certain folks from time to time, because if you are a professional in the field of which we need you to advise us on, of course, at some point you are going to be involved in the project in one way or another.

Let's just make sure that we put quality -- keep quality on the agenda as we go forward in our conversations.

#### **ADJOURNMENT**

[Time: 01:37:26]

Mayor Ortega: Thank you have. No discussion is necessary on the topic, but -- so we will move on to the -- to the vote. Thank you. It's unanimous. Was there any other mayor or council item? Thank you. Accordingly, we are adjourned.