




Office of the Mayor

MEMORANDUM


To: Honorable Mayor and City Council
From: J.P. Twist, Chief of Staff 
Date: October 28, 2011
Re: Removal of Mr. John Washington from the Airport Advisory Commission

Enclosed you will find four documents.

1. Memo from the Mayor regarding Resolution 8890 on the December 1, 2011 City Council meeting regular agenda.
2. Copy of the request for resignation letter sent to Commissioner John Washington by Mayor Lane on 10/20/2011.
3. Original complaint filed by John Washington to the FAA.
4. Copy of Resolution 8890

Office of the Mayor
MEMORANDUM



To: City Council
From: Mayor W.J. "Jim" Lane 
Date: October 28, 2011
Re: Removal of Mr. John Washington from the Airport Advisory Commission

John Washington's actions of complaint communicated to the Federal Aviation Administration's Airports Division Western-Pacific Region Compliance Specialist Anthony Garcia regarding the Council's actions on the Zocallo Case (6-GP-2011 and 10-ZN-2011) Tuesday October 18th have given rise to a serious concern as to his motivation with respect to the City and the Airport.

It is important to the City Council that its appointees to any advisory commission refrain from attempts to overrule the Council's right to accept or deny their advice or recommendations. Mr. Washington's actions have seriously impaired his ability to serve as an Airport Advisory Commissioner. They appear to be an attempt to undermine the authority of the Council, to usurp its decision, and to damage the City's relationship with the FAA in an effort to make his point of opposition to a Council action.

Mr. Washington had multiple opportunities to try to convince the City Council of his position. And he took those opportunities. Unfortunately for him, after much deliberation and study of the issue for weeks leading up to the meeting the Council ultimately disagreed (6-1) with him. It should have ended there. Instead, Mr. Washington has attempted to undermine and undercut the Council's actions by complaining directly to the FAA. While a super majority of the City Council decided not to accept Mr. Washington's assertions regarding SDL's grants assurances with the FAA he still felt the need to try and jeopardize the City's relationship with the FAA. These actions are not compatible with the Council's expectations of its commission members. Commission members should refrain from fostering complaints against the City Council while acting in an advisory position to the City Council.

The City Council appoints citizens to serve on the commission to advise the Council, not to try to undermine its decisions when they don't get their way. As a Council, we have an expectation that our commissioners will respect that relationship regardless of whether or not they agree with the Council's final decision. Mr. Washington has violated that relationship.

Mr. Washington's actions have reflected poorly on himself and on the City of Scottsdale and fall well below the high standards Scottsdale has set for its commission members. A preferable and

honorable position would have been for Mr. Washington to have resigned before filling his complaint with the FAA regarding the Council's decision.

While the City Council steadfastly supports every resident's right, as private citizens, to disagree with the Council, it does not believe it is consistent with the role as a commissioner to undermine the Council while serving in an advisory position to the Council.

It is for these reasons that this Council should adopt Resolution 8890 removing John Washington of his position on the Airport Advisory Commission.



W.J. "JIM" LANE
Mayor

October 20, 2011

Mr. John Washington
3518 N. Chambers Court
Scottsdale, AZ 85251

Dear John:

Your personal actions of complaint communicated to the Federal Aviation Administration's Airports Division Western-Pacific Region Compliance Specialist Anthony Garcia regarding the Council's actions on the Zocallo Case (6-GP-2011 and 10-ZN-2011) Tuesday October 18th have given rise to a serious concern as to your motivation with respect to the City and the Airport.

It is important to the City Council that its appointees to any advisory commission refrain from attempts to overrule the Council's right to accept or deny their advice or recommendations. John, your actions have seriously impaired your ability to serve as an Airport Advisory Commissioner. They appear to be an attempt to undermine the authority of the Council, to usurp its decision, and to damage the City's relationship with the FAA in an effort to make your point of opposition to a Council action.

John, the City Council appointed you to serve on the Commission to advise the Council, not to try to undermine its decisions when you don't get your way. We have an expectation that our commissioners will respect that relationship regardless of whether or not they agree with the Council's final decision. You have violated that relationship.

I have been in communication with other members of the City Council and they are in agreement that your actions have reflected poorly on yourself and on the City of Scottsdale. While we steadfastly support your right, as a private citizen, to disagree with the Council, we do not believe it is appropriate for you to try to undermine the Council while serving in an advisory position to the Council.



Therefore, we feel that it is in our mutual best interest that I hereby ask for your resignation from the Airport Advisory Commission. I, along with other members of the City Council, would prefer not to elevate this situation by adding your formal removal from the Airport Advisory Commission to a future Council agenda and would hope that you would want to avoid that as well. However we are prepared to do that if necessary.

I sincerely want to thank you for your years of service to the City Council and wish you nothing but the best for your future.

Respectfully,



W.J. "Jim" Lane
Mayor

C: City Council

Gunnar Buzzard, Chairman, Airport Advisory Commission

Carolyn Jagger, City Clerk

David Richert, City Manager

Gary Mascaro, Aviation Director (SDL)



From: John Washington [reactionresearch@gmail.com]
Sent: Wednesday, October 19, 2011 2:04 PM
To: anthony.garcia@faa.gov
Cc: City Council; Mascaro, Gary; John Berry; 'Lindy Graves'; 'Ann Schultz'; Edward Gately; Beth Duckett; Kristena Hansen; Michelle Agner
Subject: Scottsdale Airport Grant Assurance Complaint

Tony Garcia
 Federal Aviation Administration
 Western-Pacific Region Airports Division
 15000 Aviation Boulevard
 Room 3012
 Lawndale, California 90261
 Fax Number: (310) 725-6847

Mr. Garcia,

Last night, 10/18/2011, the Scottsdale City Council approved a city "general plan" (land use) amendment and a rezoning case for a NEW residential entitlement for a high-rise residential project within the Scottsdale Airpark. The Airpark surrounds and buffers Scottsdale Airport ("KSDL") from other land uses in the vicinity, including residential uses.

City Council Agenda:

[http://www.scottsdaleaz.gov/Assets/Public+Website/council/Council+Documents/2011+Agendas/10-18-11 Regular Agenda.pdf](http://www.scottsdaleaz.gov/Assets/Public+Website/council/Council+Documents/2011+Agendas/10-18-11+Regular+Agenda.pdf)

Zocallo Residential: www.scottsdaleaz.gov/Asset41643.aspx

KSDL has received federal aviation grants, and has in-turn signed grant assurances to the FAA in order to secure those grants. I believe last night's approval constitutes a violation of FAA Grant Assurance 21:

"It [the City of Scottsdale as "sponsor" of KSDL] will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended."

This is just the latest in a disturbing trend of NEW residential entitlements approved by this City Council within the Airport Influence Area, including another one last night, and even another two weeks ago. The latter is within spitting distance of a development that generates a large percentage (if not most) of the noise complaints handled by KSDL staff every year: Ironwood Village.

Crossroads East: www.scottsdaleaz.gov/Asset41648.aspx

DC Ranch Parcel 1.2: <http://www.scottsdaleaz.gov/Asset41536.aspx>

Additionally on last night's City Council agenda there were two other land use cases involving residential entitlements similar to Zocallo.

Scottsdale Airpark Community: www.scottsdaleaz.gov/Asset41644.aspx

CrackerJax: www.scottsdaleaz.gov/Asset41645.aspx

These two cases were continued to next week's council meeting due to the length of last night's meeting. However, both appear certain to be approved with a similar vote count. **Together, these three cases represent over 1500 new residential units within a distance from the Airport that is less than the length of the runway.**

The Scottsdale City Council's 6-1 vote approving last night's case proceeded in spite of written and spoken opposition from airport users, on-airport businesses protected by grant assurances, the AOPA ASN representative, the National Business Aircraft Association, the Arizona Business Aircraft Association, a sitting Council member who is a pilot and CFII, and members of the Scottsdale Airport Advisory Commission. Two weeks ago the Airport Commission voted ago 4-2 against recommending these projects for approval.

<http://www.azcentral.com/community/scottsdale/articles/2011/10/10/20111010scottsdale-airport-commission-rejects-apartment-proposals.html>

In addition, the Airport Advisory Commission AND the City Council resoundingly rejected residential entitlements on the Zocallo parcel a year ago.

These new residential entitlements cut directly against the purpose of the Scottsdale Airpark, which comprises commercial and industrial zoning with heavy emphasis on aviation-related uses. These new entitlements also cut directly against the City's published land use policy to protect the airport from residential encroachment. Most importantly, however, these new residential entitlements are directly contrary to KSDL's published Part 150 policies.

These new residential units will inevitably lead to noise complaints against KSDL within days of occupancy. KSDL has seen this pattern of occupy-and-complain before from residential encroachment just across the border Scottsdale shares with the City of Phoenix, from the aforementioned Ironwood Village, and from the Grayhawk development north of KSDL.

KSDL is not unique in this pattern. Airports in the Phoenix area have closed or experienced major changes as a result of encroachment and noise complaints, including one with which I was intimately involved: Williams AFB. Willie was a tremendous economic engine for the Southeast Valley of the Sun. Successor Gateway Airport has struggled since its inception.

Echoing another recurring theme across the country, the current members of the Scottsdale City Council simply don't understand what is at risk. Further, they have ignored input from their own appointed subject matter experts.

Like Willie to the Southeast Valley, KSDL has profound positive impact on the quality of life of Scottsdale residents, to say nothing of its importance as reliever airport in the National Airspace System. Residential encroachment threatens both. As a Scottsdale Airport user, a resident of Scottsdale who enjoys the economic benefits of KSDL, and a taxpayer who has invested in the airport with my tax dollars, I ask for your assistance.

The Zocallo approval has a brief period in which it can be challenged before it becomes legally binding. I believe a little education from the Airports Division on both the legal obligations of the City of Scottsdale as sponsor benefiting from FAA grants and the reasons behind the grant assurances might help the Scottsdale City Council rethink this unwise decision before it is too late.

Thank you for your assistance with this matter.

John Washington
480.229.1831
john@reactionresearch.com

RESOLUTION NO. 8890

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SCOTTSDALE, ARIZONA REMOVING A MEMBER OF THE
AIRPORT ADVISORY COMMISSION.

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale as follows:

Section 1. That pursuant to the authority of Division 1 of Chapter 2, Article V, Section 2-241, of the Scottsdale Revised Code, the City Council hereby relieves JOHN WASHINGTON of his duties and responsibilities related to, and removes JOHN WASHINGTON from, his position as a member of the Airport Advisory Commission of the City of Scottsdale.

PASSED AND ADOPTED by the Mayor and City Council of the City of Scottsdale, Maricopa County, Arizona, this 1st day of November, 2011.

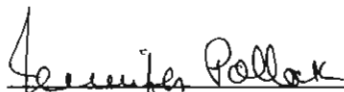
CITY OF SCOTTSDALE,
a municipal corporation

W.J. "Jim" Lane
Mayor

ATTEST:

Carolyn Jagger
City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Bruce Washburn
City Attorney
By: Jennifer Pollock
Assistant City Attorney

Jagger, Carolyn

Subject: FW: Reply to Information Regarding the Apartment Complex in the Influence Sphere of Scottsdale Airport

From: Mascaro, Gary
Sent: Friday, October 28, 2011 04:08 PM
To: City Council
Cc: Richert, David; Katsenes, Paul; Frey, Clifford; Washburn, Bruce
Subject: FW: Reply to Information Regarding the Apartment Complex in the Influence Sphere of Scottsdale Airport

Mayor and members of the City Council,

Attached is the response to Mr. Washington from the FAA regarding the above referenced item.

If you have any specific questions, please feel free to contact me.

Sincerely,

Gary P. Mascaro, C.M., C.A.E.
Aviation Director
gmascaro@scottsdaleaz.gov
Phone: 480-312-7735
FAX: 480-312-8480

-----Original Message-----

From: Anthony.Garcia@faa.gov [mailto:Anthony.Garcia@faa.gov]
Sent: Thursday, October 27, 2011 5:12 PM
To: reactionresearch@gmail.com
Cc: Mascaro, Gary; Ruben.Cabalbag@faa.gov; Ian.Gregor@faa.gov; Stacy.Swigart@faa.gov
Subject: Reply to Information Regarding the Apartment Complex in the Influence Sphere of Scottsdale Airport

John Washington

Thank you for the information concerning the Scottsdale City Council's approval of a project to build high density rental housing near Scottsdale Airport. Apparently, City officials chose to amend the General Plan and rezone Zocallo Plaza and other areas to allow for residential uses within a zone that previously did not include residential dwellings. As a result, the affected project area will change from one that is compatible with the airport to become one that is less compatible with the airport

Based on information regarding the project that was available for our review, the location appears to be outside the 55 decibel noise contour.

If this is true, it would mean the project is outside the incompatible 65 decibel zone, but still within an area where aircraft noise and over flights will be noticeable, if not annoying.

Fundamentally, the project site does not represent absolute nonconformance with the letter of the airport compatible land-use criteria. However, whenever aircraft noise can effect residential quality of life, the construction of residential dwellings near an airport does not comport with the spirit of the compatible land use criteria.

Residential housing near or next to an airport represents a double edge sword. On one hand, residential dwellings threaten the long-term economic viability and aeronautical utility of the airport. On the other, the residents suffer a diminution in their quality of life as noise and emission threaten their health and welfare. As testimony to this conflict, the SDL Part 150 Noise Compatibility Program already places limitations on normal airport operations in the interest of attenuating aircraft noise in the neighborhoods next to and near the airport.

The prognosis for placing residents and airports too close together is unattractive for both parties. The airport will become the victim of complaining residents who do not like aircraft noise and emissions whether from fixed wing aircraft or helicopters. City officials will have to contend with persistent complaints from unhappy residents who blame the airport for their woes. It will no longer matter that the airport was there first and that local officials allowed residential dwellings to be built next to the airport.

In response to unending complaints, a resolution of the problem will focus on the airport implementing additional corrective measures. Local officials will seek to curtail airport flight activities to reduce and/or eliminate complaints. It is not likely that residents will be told to tolerate the airport because the airport is part and parcel of

their environment.. Furthermore, ways to compensate residents for their unhappiness will not be contemplated, although it was a local decision to build housing near the airport that created the problem for residents.

In the face of unending complaints, the airport will be forced to introduce noise mitigation measures. These measures can have a negative impact on the airport's utility, its economic viability, and its status as a community asset. If restrictions are excessive, they will run afoul of the Airport Noise and Capacity Act.

Presently, it appears that the City is contemplating the construction of even more housing in the vicinity of the airport. It would appear reasonable to expect that more housing will increase the probability of conflict between residents and the airport. Again, while the location of the housing may not violate the letter of compatible land use requirements, it will deviate from the spirit of good compatible land use.

Although the prognosis for all this housing near the airport is not in the best interest of the airport or the residents, in the end, an ounce of prevention is worth a pound of cure. Simply stated, avoid it. Any forecasted incremental economic enhancements attributed to new residential dwellings will come at the expense of the airport and the local residents.

It is not a wise trade off.

Be aware that the above airport compliance guidance disclosure is based on information contained in the City Council Report dated 10/18/2011 and the Part 150 Noise Compatibility Program dated 5/30/2006. The above guidance relies on the completeness and accuracy of the City Council Report as a reference document for the assessment of the compatibility of the proposed residential development with the airport.. The existence of different or additional information could alter the conclusion. Finally, this communication is not conclusive, but provides a Regional Office determination and, therefore, does not represent a final Agency decision.

Tony Garcia
FAA Airports Division
Western-Pacific Region
Los Angeles CA

From: "John Washington" <reactionresearch@gmail.com>

To: Anthony Garcia/AWP/FAA@FAA

Cc: <citycouncil@scottsdaleaz.gov>, "Gary Mascaro" <GMascaro@scottsdaleaz.gov>, "John Berry" <jb@berrydamore.com>, "Lindy Graves" <Lindy@withey Morris.com>, "Ann Schultz" <aschultz@ECLLAW.COM>, "Edward Gately" <ed.gately@arizonarepublic.com>, "Beth Duckett" <beth.duckett@arizonarepublic.com>, "Kristena Hansen" <Kristena.Hansen@arizonarepublic.com>, "Michelle Agner" <michelle@scottsdaletrails.com>

Date: 10/19/2011 02:02 PM

Subject: Scottsdale Airport Grant Assurance Complaint & Article about Complainant Facing Resignation 10-21-11

Tony Garcia

Federal Aviation Administration

Western-Pacific Region Airports Division 15000 Aviation Boulevard Room 3012

Lawndale, California 90261 Fax Number: (310) 725-6847

Mr. Garcia,

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City Council Agenda: <http://www.scottsdaleaz.gov/Assets/Public>

+Website/council/Council+Documents/2011+Agendas/10-18-11_Regular_Agenda.

+pdf

Zocallo Residential: www.scottsdaleaz.gov/Asset41643.aspx

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In addition, the Airport Advisory Commission AND the City Council resoundingly rejected residential entitlements on the Zocallo parcel a year ago.

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Echoing another recurring theme across the country, the current members of the Scottsdale City Council simply don't understand what is at risk.

Further, they have ignored input from their own appointed subject matter experts.

Like Willie to the Southeast Valley, KSDL has profound positive impact on the quality of life of Scottsdale residents, to say nothing of its importance as reliever airport in the National Airspace System. Residential encroachment threatens both. As a Scottsdale Airport user, a resident of Scottsdale who enjoys the economic benefits of KSDL, and a taxpayer who has invested in the airport with my tax dollars, I ask for your assistance.

The Zocallo approval has a brief period in which it can be challenged before it becomes legally binding. I believe a little education from the Airports Division on both the legal obligations of the City of Scottsdale as sponsor benefiting from FAA grants and the reasons behind the grant assurances might help the Scottsdale City Council rethink this unwise decision before it is too late.

Thank you for your assistance with this matter.

John Washington

480.229.1831

john@reactionresearch.com

Friday, October 21, 2011

Mayor Lane asks appointee to resign over complaint to FAA By Edward Gately The Arizona Republic

Scottsdale Mayor Jim Lane is calling for the resignation of Airport Advisory Commissioner John Washington for complaining to the Federal Aviation Administration about the City Council's decision to allow an apartment complex to be built near Scottsdale Airport.

In a letter to Washington dated Thursday, Lane said the FAA complaint has "given rise to a serious concern as to your motivation with respect to the city and the airport."

"It is important to the council that its appointees to any advisory commission refrain from attempts to overrule the council's right to accept or deny their advice or recommendations," Lane states in his letter.

"John, your actions have seriously impaired your ability to serve as an Airport Advisory commissioner. They appear to be an attempt to undermine the authority of the council, to usurp its decision, and to damage the city's relationship with the FAA in an effort to make your point of opposition to a council action."

Washington said he sent the complaint as a Scottsdale resident, not as a commissioner, and that the city should have consulted with the FAA or had an FAA representative at the council meeting before the council voted on the proposal.

"I'm not going to resign," he said. "I'm not sure that (Lane) has the authority to speak for the council without them having a meeting and taking a vote. This is just Jim Lane asking for my resignation and obviously I disagree."

Lane wasn't available for comment on his letter.

J.P. Twist, Lane's chief of staff, said the mayor is asking Washington to resign, "in lieu of having to make this more public" in an open forum with the council.

"The council has the authority to agendize (Washington's removal)," he said. "The council can vote for his removal with a . . . simple majority vote."

The council voted 6-1 on Oct. 18 to approve a non-major General Plan amendment, rezoning and amended development standards for the Residences at Zocallo Place. It calls for a four-building, 240-unit apartment complex near the northwestern corner of Greenway Hayden Loop and 73rd Street, north of the Scottsdale Quarter and south of the Scottsdale Promenade.

The site is about 3,600 feet northwest of the airport runway. The four-story complex could attract an estimated 543 residents.

Councilman Bob Littlefield was the only no vote, saying it will hurt the airport and drive business to other Valley airports. The council will consider two other proposals to build apartments near the airport on Oct.

25.

Earlier this month, the Airport Advisory Commission recommended the council reject all three proposals, fearing that nearby residents would complain about noise and push for flight restrictions. The city's Planning Commission recommended approval of all three.

In his letter to the FAA, Washington said the council's vote constitutes a violation of one of the FAA's grant assurances that land use will be restricted to "activities and purposes compatible with normal airport operations." The FAA has verified this grant assurance.

"I believe a little education from the (FAA's) Airports Division on both the legal obligations of the city as sponsor benefitting from FAA grants and the reasons behind the grant assurances might help the City Council rethink this unwise decision before it is too late," Washington said in his letter.

Washington said he hasn't yet received any response from the FAA.

FAA spokesman Ian Gregor wouldn't comment on the proposal approved by the council.

Airport Advisory Commission Chairman Gunnar Buzzard said commissioners serve "at the pleasure of the council" and it's the council's decision as to whether they continue serving on the commission.

"I do believe that John Washington submitted his comments as a citizen, not as a commission member," he said. "I believe as a citizen anyone has a right to do that."

Jagger, Carolyn

From: Graham Kettle [gkettle@cox.net]
Sent: Monday, October 31, 2011 10:23 AM
To: City Council
Cc: John Washington; Jagger, Carolyn
Subject: Item 18b - Council Agenda - November 1, 2011
Attachments: Graham Kettle.vcf

Mayor & Council

FREE SPEECH IN SCOTTSDALE IS APPARENTLY DEAD

I am writing with reference to the egregious proposal to remove John Washington from the Airport Advisory Commission. John Washington's thoughtful letter to the FAA, the FAA Grant Compliance Complaint, was written by him as a **private citizen** and NOT as a Commission member. It is fortunate that we have the services of John to lay before the public the facts that staff and council either are ignorant of or alternatively wish to keep hidden. I am sure it is most inconvenient to have people running around telling the truth but you know that is what freedom of speech is all about.

This latest example follows on from the decision to shut down the Budget Review Commission - another move to keep certain Commission members from exposing the weak financial management/waste of taxpayer dollar issues in the public domain. Also the recent request from Councilwoman Borowsky to change her vote on the Mark-Taylor property purchase issue is another example. The Mayor had the audacity to say, and I quote, "this is not a reconsideration, this is a change of vote and I think this is not necessarily something that we want to encourage" i.e. on reconsideration of the facts a Council member is not allowed to formally change their mind and amend their vote.

Keep John Washington on the Airport Advisory commission and take full advantage of his knowledge and expertise as he is working in the best interests of the taxpayers of Scottsdale.

Regards,

Graham Kettle

Stevens, Katie

From: chaxby@cox.net
Sent: Monday, October 31, 2011 8:30 PM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 11/01/11 - Item 18b

Meeting Date: 11/01/11
Item Number: 18b

Contact Information (if blank, user did not provide):

Name: Jim Haxby
Address: 7336 E Sunnyside Dr.
C/S/Z: Scottsdale, AZ 85260
Phone: 480-991-7768

Comment for 11/01/11 Item 18b:

Keep free speech alive in Scottsdale

I am writing in reponse to the asinine proposal to remove Mr. John Washington from the Airport Advisory Commission. Mr. Washington has the right to free speech, the right to express his opinion and the right to clarify this issue with the FAA. Mr. Washington's letter to the FAA was the correct thing to do and was made as a resident not a commissioner. City staff should have clarified this with the FAA long before the Council heard this issue. It is obvious that Mayor Lane and some members of the Council are embarrassed by their ignorance and ineptness of city staff on this issue, but firing a knowledgeable member of the airport commission is not the solution. Please stop trying to usurp the right of citizens to express their opinions. Two wrongs do not make a wright. Keep John Washington on the Airport Advisory Commission.

Jim Haxby