



**CITY OF SCOTTSDALE  
NEIGHBORHOOD ADVISORY COMMISSION  
REGULAR MEETING**

**MINUTES**

**WEDNESDAY, MARCH 23, 2016**

**COMMUNITY DESIGN STUDIO  
7506 E. INDIAN SCHOOL ROAD  
SCOTTSDALE, AZ 85251**

- PRESENT:** Joe Meli, Chair  
Todd Becker, Vice-Chair  
Michael Gonzalez, Commissioner  
William Lichtsinn, Commissioner
- ABSENT:** Jennifer Fabiano, Commissioner  
Jordan Ledbetter, Commissioner  
Kevin Walling, Commissioner
- STAFF:** Christy Hill, Staff Representative  
Adam Yaron, Long Range Planning  
Luis Santaella, Senior Assistant City Attorney

**Call to Order/Roll Call**

Chair Meli called the meeting of the Neighborhood Advisory Commission to order at 5:04 p.m. A formal roll call was conducted confirming members present as stated above.

**Public Comment**

No members of the public wished to speak

**1. Approve Draft Summary Meeting Minutes: February 24, 2016**

Christy Hill, Staff Representative provided one change.

**VICE-CHAIR BECKER MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 2016 AS AMENDED. COMMISSIONER GONZALEZ SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). COMMISSIONERS FABIANO, LEDBETTER AND WALLING WERE ABSENT.**

## **2. Gift Clause Review**

Luis Santaella, Senior Assistant City Attorney, stated that the Gift Clause is a provision in the Arizona Constitution that prohibits government from gifting monies. A few years ago, there was a charter election, which amended the City's Charter to include a stricter clause. Subsection O of Section 3, Powers of the City reads as follows:

*“The City shall not give or loan its credit in aid of or make any donations, grant or payment of any public funds by subsidy or otherwise to any individual, association or corporation, except where there is a clearly identifiable public purpose and the City either receives direct consideration substantially equal to its expenditure or provides direct assistance to those in need.”*

Mr. Santaella provided specific examples of acceptable and unacceptable gifts. Chair Meli stated that the tangible benefit criteria is the heart of the issue, specifically in relation to what tangible benefits accrue from this program as traditionally instituted. The Commission has previously discussed the enhancement of neighborhoods and decreased crime by allowing neighborhoods to improve and restore their appearance. Mr. Santaella stated that any gift must be must be tangible and measurable.

Chair Meli asked whether replacing windows and upgrading insulation would qualify as an energy savings to the City. Mr. Santaella replied that the charter would not be satisfied based on this criteria. However, If this was performed on a needs basis with screening to address the economic situation, this might be appropriate.

Ms. Hill stated that as the Commission goes forward in developing its NEP programming, it will ensure that the program meets the requirements of the Gift Clause.

In response to a question from Chair Meli, Mr. Santaella stated that private or commercial structure concepts addressed in the past would conflict with the charter, unless they involve helping someone in need. The Community Assistance Office offers guidelines which address family size and income requirements for qualification. If the Commission has its own independent funding, it may run its own programs.

Chair Meli asked for a summation of the Commission's current situation. In response, Mr. Santaella noted that that the Neighborhood Enhancement Program previously provided grants to assist neighborhoods and asked for examples. Ms. Hill replied that a landscape and wall improvement was completed on Thomas Road at Oasis Park. Commissioner Gonzalez added that

there was a wall and landscape improvement on Via Linda at 110th Street. He noted that this is a reimbursement program and would not be considered a need.

Chair Meli stated that the community assistance requirement would apply to an individual homeowner or family, rather than a neighborhood. Mr. Santaella added that this was not a need based program at the time and what the City received in exchange was a deed restriction. Ms. Hill said that staff discussions have begun regarding the thoughts and concerns of the Commission as well as the interpretations shared by Mr. Santaella.

Commissioner Lichtsinn asked about restrictions to assisting a neighborhood charity organization in terms of grants for services, such a park cleanup. Mr. Santaella replied that the Clause requires direct assistance to those in need.

Ms. Hill noted that staff is discussing tying the NEP to the neighborhood planning process. Mr. Santaella clarified that this charter amendment was approved by voters. A citizens charter review commission drafted the accompanying language. The purpose was to prevent the City from gifting funds to special interests with an exception to helping the poor. Chair Meli commented that this constrains the Commission's activities when considering how it has historically operated, essentially placing the Commission at a standstill. Mr. Santaella stated that this is a fair assessment of the situation, until staff provides further guidance.

Mr. Yaron, Long Range Planning, stated that the neighborhood planning process is essentially the third tier of planning, following the General Plan and character area plan. The Neighborhoods Group and the Planning Group are currently in discussion to develop a plan that will address the new guidelines as well as the overarching objectives of goodwill. Dialogue thus far has included the establishment of an existing conditions report in order to bring forth issues affecting neighborhoods, followed by a discussion with the City Attorney's office regarding opportunities to improve conditions.

In response to a question from Vice-Chair Becker, Ms. Hill stated that Commissioners were free to forward comments and input to her and Mr. Yaron prior to the next meeting for potential inclusion on the upcoming meeting agenda.

### **3. Planning, Discussion and Possible Action on 2016 Work Plan**

Ms. Hill stated that the 2016 goals now include the requested change to goal number two as follows, "Advise City Council in areas of neighborhood vitality." Chair Meli suggested expanded language in regard to the term "advise," and whether this would include advising City Council at its meetings, advising City Council through staff or a combination of both.

Commissioner Gonzalez inquired as to whom the Commission reports to at this time. Mr. Yaron replied that the Commission currently has a liaison through the Department of Neighborhood Services. Neighborhood Services is under Planning and Economic Development. Chair Meli added that the Commission is not prohibited from engaging with the City Council directly.

**COMMISSIONER GONZALEZ MOVED TO APPROVE THE 2016 WORK PLAN AS DRAFTED. VICE-CHAIR BECKER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). COMMISSIONERS FABIANO, LEDBETTER AND WALLING WERE ABSENT.**

#### **4. Planning, Discussion and Possible Action on Spring Spirit Awards**

Ms. Hill stated that there is still time for nominations. There are approximately ten submissions to date, including two commercial. The remainder are residential or townhome condominiums. Additional nominations are encouraged. Nominations end on March 31st, 2016.

Commissioner Gonzalez asked about any submissions from the Government 101 group participants. Ms. Hill stated that one submission was received from the 95 members. Group members were contacted via email as well as via flyer at the first class session. She will solicit entries again prior to the deadline.

In response to a question from Commissioner Gonzalez, Ms. Hill confirmed that the target area in the past was the McDowell corridor and has remained so for this cycle. Chair Meli commented that perhaps it is time to not only geographically expand the target area, but to also expand the categories. Commissioner Gonzalez stated that this was an excellent idea, especially in order to address a potentially saturated market in the McDowell Corridor. Chair Meli asked Commissioner Gonzalez to spearhead the collection of ideas for this proposal. He suggested exploration for more than one seasonal award.

Mr. Yaron stated that the Commission had previously requested to see a mockup of the award and he provided the sample for review.

#### **5. Discussion and Possible Action on Neighborhood Advisory Commission Meeting Calendar**

Ms. Hill presented a list of meeting dates. The next meeting is planned for April 27, but will likely need to be changed to Tuesday, April 19. This hinges on Passover dates as well as building availability. There was consensus to meet on the 19th. She added that the Commission is on the docket for the Spirit Award presentation to City Council on June 7. The Commission may also wish to consider this their meeting date for June. The Commission's May meeting is scheduled for May 25.

During the summer of 2015, the Commission took its break commensurate with City Council's break, which meant that no meetings were held in July and August. This would provide the groups that are meeting to develop neighborhood planning and the NEP Program with necessary time to develop plans. The September meeting would occur on the 28th. There was consensus on the summer meeting schedule.

The remaining proposed meeting dates are October 26th, November 15th and December 28th. There was consensus agreement to these dates, subject to any agreed upon change.

**6. Staff and Commission updates, comments, future agenda items**

In response to a question from Commissioner Becker, Ms. Hill replied that staff should have some draft language on the Commission's revised goals and objectives based on the Gift Clause and efforts to dovetail with Neighborhood Planning in combining the program with the planning process. Chair Meli commented that this represents an opportunity rather than a hindrance, as this encourages looking in other directions that might not have been explored previously. Commissioner Gonzalez agreed, noting that there are opportunities in expanding the target area beyond the McDowell Corridor.

Commissioner Gonzalez asked about plans for Commissioners to preview applicants and visit the properties prior to the vote for winners. Ms. Hill stated that she would provide Commissioners with a map showing the locations of nominees.

**ADJOURNMENT**

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 5:59 p.m.