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CALL TO ORDER

[Time: 00:00:01]

Mayor Ortega: I call the July 7, 2022, city council special meeting and possible executive session to order. City Clerk, Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:17]

Clerk Ben Lane: Mayor David Ortega.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tom Durham.

Vice Mayor Durham: Present.

Clerk Ben Lane: Councilmember Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Betty Janik

Councilmember Janik: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

Sonia Andrews: Here.

Clerk Ben Lane: And the clerk is present, thank you Mayor.

Mayor Ortega: May I have a motion to adjourn into executive session to discuss item number 1B and consider employment, assignment, promotion, demotion, dismissal, salaries, disciplining or resignation of the city manager, employment manager relating to the city manager's office and discussion or consultation with the city attorneys for legal advice and necessary city staff regarding the same.

Councilmember Janik: So moved.

Mayor Ortega: Any discussion is this thank you, please indicate your vote. It's unanimous. We are now adjourned to executive session.

[Executive session]

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REGULAR AND WORK STUDY COUNCIL MEETING – CALL TO ORDER

[Time: 00:00:04]

Mayor Ortega: I call the July 7, 2022, city council regular meeting to order. The City Clerk, Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:14]

Clerk Ben Lane: Mayor David Ortega.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tom Durham.

Vice Mayor Durham: Present.

Clerk Ben Lane: Councilmember Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

City Clerk Lane: City manager Jim Thompson.

City Manager Thompson: Here.

City Clerk Lane: City attorney Sherry Scott.

City Attorney Scott: Here.

City Clerk Lane: And the clerk is present. Thank you, mayor.

Mayor Ortega: Great, we have Scottsdale Police Sergeant Wright and Brent Patterson. Let's start with the pledge calling on Councilwoman Janik.

Councilmember Janik: 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: Thank you. We continue to keep the people of Ukraine and their fight for freedom in our thoughts and let us pause in silence. Thank you. So it is officially summer at City Hall. And we will be taking a recess until August. So this will be our last meeting for July and we will reconvene in August. We hope everyone has a wonderful summer and we'll take care of business tonight.

First of all we have public comment. Public comment is the opportunity for a Scottsdale resident to come forward and speak for three minutes on a subject which is not on the agenda. It would have to be something that's relevant to the council, but the council will not be taking any action on the public comment. We do allow three minutes and I am told we have one request in person. So please state your name and your address and you have three minutes. Thank you.

PUBLIC COMMENT

[Time: 00:02:34]

Iron Eyes Dakoti: Hello, give me a second. My name is Iron Eyes Dakoti. Ready? Hi, I am Iron Eyes Dakoti. I use the two-spirit Indigenous pronouns as located on the LGBTQIA2S+ acronym. I am here today to speak about the sexual orientation, gender identity, and gender expression phobia I've experienced as a father and in my teaching career. A little background about me, I am an elementary English schoolteacher. My husband, sorry, could I just start over? I'm a bit nervous. My husband Devito Ruben is a sex ed high school teacher here in Scottsdale. We are fathers to a newly transitioned little girl.

Carmilla received top and bottom surgery from a clinic in Ottawa, Canada. Recently as teachers we face rebellion from the Qanon racist, christian conservative and right-swing conspiracy theorists about our new world takeover of our western roots IE Judeo-Christianity. Luckily the pushback has been fairly weak. Most westerners disregard establishing a so-called logical consistency with the presumptual underlying structure that was once the heart of this nation. That power has been boosted on a state level thanks to incumbent superintendent of public instruction Cathy Hoffman for introducing Freudian and Marxist principles, the LGBT doctrine, and the diversity from the globalist handbook. Being a teacher has the ability to filter out words and concepts we deem discriminatory and has a hate-speech like element.

We encourage Freudian facts upon our children that we are solely motivated by sex and must pursue a hedonist life, like the idea that morality cannot be separated from God. The materials here are an example of the success we've had vocally in sexualizing and educating diversity into the Scottsdale and Arizona youth. Brave faculty members like counselor Gary Griggs from the Scottsdale unified school district, the mini town Scottsdale unified school district programs, and the LGBT resources on the official Department of Education website. If anybody would like to take a look at the resources here, I'm going to leave them right here. And I encourage you, council, to please look into this so we can stop the spread of Christianity, Judaism, and all of the racist right-wing conspiracy theories. Thank you very much.

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Mayor Ortega: Thank you. Looking for other public comment. Seeing none, I will now close public comment. I wish to point out that we added item 6B to the agenda on July 5, 2022. And it requires a separate vote to remain on the agenda. Do I have a motion to accept the agenda as presented?

Vice Mayor Durham: So moved.

Mayor Ortega: Thank you, so moved by vice mayor and Councilwoman Janik. Any discussion? Please register your vote. Thank you. Unanimous. So item 6B is included in the consent agenda before us today for our consent agenda. There's an opportunity to receive public comment as well as any comment or question on any consent agenda item from council. I do not see any request or consent for public comment on the consent agenda items. Therefore I will close public comment for the consent agenda items. Do I hear a motion to approve consent agenda items 1 through 6B?

[Time: 00:08:37]

Councilmember Janik: So moved.

Vice Mayor Durham: Second.

Mayor Ortega: We have a motion and a second by Vice Mayor -- excuse me, Cathy Littlefield. Go ahead.

Councilwoman Littlefield: I wanted to request from the city clerk to read 6B aloud for the public because it came on the agenda so late. Thank you.

City Clerk Lane: Mayor and members of the council, 6B is a Cavasson Phase 3A plat. It is to approve the amendment to a final plat which is 3-PP- 2019#2 on a plus or minus 30 acre site with planned community district, planned airpark core, that's P-C PCP zoning. And the location of this plat is the southeast corner of North Miller Road and East Legacy Boulevard. Thank you.

Mayor Ortega: Thank you, so item 6B was read into the record and all items are posted. We have a motion and a second. Any other comment? Seeing none, please record your vote. Passes unanimously.

ITEM 07 – ZAVALA WINDOW REPLACEMENT (35-HP-2022) APPEAL

[Time: 00:10:28]

Mayor Ortega: Next we'll move on to regular agenda item number 7. Item number 7 involves the Zavala window replacement, that's case 35-HP-2022. There's an appeal. Our presenter is city senior planner Jesus Murillo. And of course we also have the applicant Marie Zavala. Please proceed.

Jesus Murillo: Good afternoon, Mayor Ortega, and members of the council. I am the historic preservation commission liaison with the city. Today I will be presenting before you 35-HP-2022 now known as the Zavala window replacement appeal. And as you can see in the title, the appeal means that the applicant is hoping to have the council reconsider a stipulation that was approved by the historic preservation commission on June 2nd earlier this year. And the result of that meeting was the approval of a certificate of appropriateness that included a stipulation that prevented a requested window from being converted into double doors.

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And so the site is located, generally located on the north side of Camelback and it's west of 78th Street. And more specifically, it is located on the north side, sorry just west of 77th Street. And so when we get a graphic up there, we'll identify these things more specifically. So the request that came before the historic preservation commission which the property is located within the Villa Monterey Unit two historic preservation district. It asks for pavers on the front yard, it also asks for a low-scale wall. And it asks for two shape pieces over the window. It also asks for one of the windows on the western-most side of the facade to be converted into a double door. The historic preservation commission approved all of those proposed improvements except for the conversion of the wall or the window into a wall.

Now during the course of staff's analysis of historically preserved properties within this subdivision, staff found that since the codification of the historic preservation overlay on the Villa Monterey property, there was three front facades approved by the commission in 2012, 2016, and 2017. Staff also identified five more double doors being approved at the front of the properties. But those improvements have been made prior to the historic preservation overlay and applied to the subdivision. And the double doors are more commonly located on the second story. Having said that, during the June 2nd hearing, the applicant provided evidence that the HOA had provided their approval of the improvements.

And at the historic preservation commission hearing, there was one person that showed up and gave their presentation or submitted a speaker card and provided comments in opposition to the proposal. And so here before you tonight is the request from the applicant to amend the one stipulation that did not allow for that window to be converted into double doors based off of two of the, actually if I may have the Elmo. Thank you. So as you can see from my report here, the historic preservation commission said in the stipulation the window was to remain the same size and shape as called out in some of the guidelines that were located within the interim Villa Monterey approved guidelines.

So as part of the request, the city council has the ability to either support and approve the stipulation as approved by the historic preservation commission, you may amend it or modify it or remove it as you see fit, or request that the case be continued for additional information. This is currently the facade that exists on that single family, I'm sorry single family attached dwelling unit. And if you notice, there we go.

Perfect, thank you. If you notice, this window that you see, if we may go back to the Elmo, please. So this window that you see here on the left-hand side is the window you can generally see where the homeowner has sketched in the door and what that would look like. So again staff is here to answer any questions or comments and the applicant is also here to provide a presentation and words of their own.

[Time: 00:16:40]

Mayor Ortega: At this particular time we have a question from councilmember Milhaven. But we have the applicant.

Councilmember Milhaven: I didn't realize the applicant was going to speak.

Mayor Ortega: Please come forward. And also if there is any public comment, someone can request that with the clerk. Thank you for being here, Ms. Zavala.

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Maureen Zavala: Hi, my name is Maureen Zavala. And thank you, Mayor David Ortega and council, for hearing me. I don't know how to work the Elmo and I think I kind of need it if I can. First of all I just want to give you a little bit of background on myself. I love this subdivision I've bought into Villa Monterey, it is historic. And that's one of the main reasons I wanted to live there. I just fell in love with the charm of the street lights and just how the whole neighborhood looks. If you're not familiar with it, every single unit we're attached on our side walls.

But every unit has a very specific facade that is specific to that unit. So they all have a lot of character and charm. There are several in my unit which is unit two that do have French doors on the window that I want to replace. And they were, three of them were previously approved by historic. So when I bought the house, I didn't think this was going to be a problem. And I did get, is this the Elmo over here? Is this how this works?

Mayor Ortega: Yes.

Maureen Zavala: I did correspond with my HOA right away. I emailed them a letter telling them what I wanted to do. I did get the HOA approval. I did send them over this is the approval letter. And then this was the attachment I sent them that had the specific doors that I wanted to put in that the HOA did approve. So then when I went to historic and I knew they had approved three in the past, I was actually a little bewildered why they did not approve mine. One particular commissioner seemed to speak primarily and kind of led the others in the vote I would say.

[Time: 00:19:22]

A couple of things that he said, he said that he himself had not previously approved any French doors even though historic had approved three in the past. He also stated that these French doors would make the house look very, very modern and he didn't like that idea. And French doors came into architectural style in the 1700s and have been used in architecture both commercially and residentially ever since and have just kind of held their ground as a nice piece. I can't imagine why he would think it would make a property look too modern. When I began doing a little research as well, I found an article that was written by, oh gosh, Scottsdale's historic preservation officer in 2011. I brought that with me.

Let me just flip over to it. It's an article that he wrote about mid-century modern architectural tour of Scottsdale's 60th Anniversary event. And in this talking specifically about Villa Monterey, he says unlike many projects by other developers at the time, he's talking about David Freeman who was the developer of Villa Monterey. He says he borrowed elements from several older styles for the facades of the homes to give buyers a variety of styles to choose from. The homes used architectural elements from several period revival styles including Spanish colonial, territorial, mission, Monterey, and Pueblo. Ornamental ironwork is seen in the early and later plats, but it is more present in later units along chaparral. He goes on and on about the different options people had. I also, oops. Just looking through Villa Monterey.

Here's an original home that has not been remodeled. And you can see the French doors plainly on the front. I've got it upside down again. I don't think I've ever used one of these, so it's a little daunting. These of course are on the upstairs. And these were the ones that were built in 1963. So you can see where the subdivision developed. It started west of Miller Road. Came across Miller Road into the

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section which would be South of chaparral. And then jumped over chaparral and developed further in 1963. And in that era is what he began to give buyers the option for the French doors, the upstairs. So it is a style that was originally offered in Villa Monterey. Now he didn't offer it on the bottom floor.

I don't know if he did or not, maybe no one chose it. But French doors were definitely included in the style of these homes. I think that's all I have. I've been in real estate in the valley here for 24 years. And I have sold several homes in Villa Monterey. I think 17 or 18 since 2016. And a lot of those homes I have sold more than once the same home. And I have seen French doors, I've seen rooftop patios, I've seen French doors opening to rooftop patios. I've seen two-way fireplaces. The options on those original homes was quite varied. And I don't think it was the developer's intent to restrict people to one particular style. And so that's why I'm appealing and hopefully you will see my point of view. But thank you so much for your time.

[Time: 00:23:38]

Mayor Ortega: Thank you very much. We have a comment from Councilmember Milhaven.

Councilwoman Milhaven: I agree part of the appeal of Villa Monterey is the different styles. I'm going to make a motion to allow you to do the doors. But I'd also encourage the HOA to I think go back and revisit the guidelines. I know the last case we heard some residents were saying maybe they didn't want any part of historic designation. So save residents some headaches in the future when they want to make changes. So I'm going to make a motion that we repeal the stipulation the historic preservation and allow the installation of the double doors as requested.

Councilmember Whitehead: I will second it.

Mayor Ortega: Good, we have a motion and a second. I see Vice Mayor Durham wants to speak.

Vice Mayor Durham: Never mind.

Mayor Ortega: We have a motion. Any discussion? I think I see your builder here. Nice to see you, Patrick. Any other discussion? Seeing none, please record your vote. Thank you. Unanimous. And good luck with your project. Thank you so much.

Next we reopen public comment. Public comment is the opportunity for any Scottsdale resident to come forward, speak for three minutes on a subject not agendaized. This council would not take any action on any comment but it would have to be within our purview. At this point we see none, therefore I will close public comment. The next part of our agenda allows for council according to our charter to accept, excuse me, let me make sure if I had not missed a public speaker. Oh I see, there's one for the work site. So next would be the receipt of a citizen petition. We have not had any down at the clerk's office, therefore I will close that item.

Finally moving on to mayor and council items, are there any mayor and council items tonight? Okay, seeing none, I do have one that I'd like to hopefully take action on. The subject has to do with buy local. And as you know many of the backbone of Scottsdale are small businesses as well as services and products offered. We do encourage the farmer's market. And even today I signed off on a vendor for a

Shamrock Foods for the railway park. They're a local company. And I think as we look at encouraging our buyers and so forth to encourage buying local. Along the way, I also found that we do not have any policy regarding a buy local effort. I think that we should consider at least a work study on the subject in the future because whether it's financial services, actually direct services, even that we consider that. So I would ask to agendize at some time in the future a buy local policy by this body.

Councilmember Whitehead: I'll second that.

Mayor Ortega: Thank you. And we have a motion and a second. Again a time to be determined, but just to see where we're at and how we can encourage and embrace buying local. And excuse me, Councilwoman Caputi and Janik.

[Time: 00:27:56]

Councilwoman Caputi: I remember there being a roadblock to that about having a policy suggesting that we buy local.

Mayor Ortega: We're not going to be talking about the topic right now.

Councilwoman Caputi: Then I'm totally in support. It's a great idea.

Mayor Ortega: Any other comments? Appreciate it. Please record your vote. It passes 6-1. Thank you very much. At this point then we have concluded our regular meeting business.

WORK STUDY COUNCIL MEETING – CALL TO ORDER

[Time: 00:28:44]

Mayor Ortega: But we will convene our work study session. I call to order the July, why did they put June, July 7, 2022, city council work study session to order. For the record I note that all members of the council and the charter officers are present. Work study sessions provide a less formal setting for the mayor and council to discuss topics in a more casual manner. It allows the staff to prepare information for our discussion and to receive some direction from council.

WORK STUDY ITEM 01 – COUNCIL RULES AND PROCEDURES

We also provide the public an opportunity for input on the subject that has posted. In order to work efficiently and maximize the amount of time for public comment, we allow five speakers, a maximum of five speakers who would have three minutes. At this point we have one request for a speaker. Please state your name, address, and three minutes, thank you.

Daniel Isaac: I think yesterday's meeting scared everybody away from attending tonight. My name is Daniel Isaac, I live at 13530 East Onyx. I'm just not speaking loud enough. Thank you, Mr. Mayor, Mr. Vice Mayor, and city council. I'm glad that this topic is on a work study for tonight. I sent an email last year expressing some of my concerns about the lack of decorum and order. I will note things have improved significantly over the last several months, but we certainly can continue to improve. I am not an expert on Robert's rules of orders, however my years consulting with fortune 500 companies include

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board and executive committee meetings, and I function as a facilitator and leader at many of those meetings. I believe that the guiding principles as you discuss this topic should be respect, inclusion, and efficiency.

Specific comments on the presentation that you're going to see tonight regarding debate and decorum, I think the council should consider a time limit for speakers on the council, especially if there are additional council members waiting in queue. And if after everybody has been given the opportunity to speak, somebody wants to circle back and continue speaking, that would make sense. Regarding work studies, the purpose as you mentioned, Mr. Mayor, is the education so you can make more informed decisions for the city.

Therefore I think discussion should be limited to clarifying questions and expression of gratitude for the presenters. Speakers should not be allowed to provide speeches rather than clarifying questions. Regarding public comment, I think it would be wrong to limit it to just residents, because property owners and business owners who may not live in Scottsdale, still contribute significantly to our economy and to the experience of other residents.

Either they should be allowed to speak or a representative for them should be allowed to speak. Regarding continuation, if you do consider putting a time restriction on the request for continuation, there should be an exception allowed in case emergency travel or family or medical issues prevent somebody from meeting that time constraint. And regarding boards and commissions, I absolutely concur that you should include electronics and any communication with an outside party during those meetings. I thank you for considering my comments and I thank you for having this as a work study agenda.

[Time: 00:32:31]

Mayor Ortega: Thank you, and accordingly I will close public comment. At this point we will look at council rules of procedure. The presenter is our city attorney and parliamentarian Sherry Scott as well as Ben Lane who's the city clerk. Please proceed.

City Attorney Scott: Thank you, mayor. We're going over your rules of procedure tonight hoping to get direction from the council about what you would like to see updated and amended. We'll bring that back to you hopefully early in the fall. We've split the presentation up with me doing the first part and Ben Lane, your city clerk, doing the second part. We'll probably help each other along the way. It's meant to be an informal work study. And I encourage the council to ask questions, interrupt us, we're just here to try to get you the information you need to give us the direction that we need to prepare updates and bring it back to the council. With that, I'll just quickly go over the rules of procedure history.

The rules of procedure are indicated in the city charter that the council determines its own rules of procedure. But for some reason, we didn't have rules of procedure until September of 2011. Up until that point, the city operated under Robert's Rules which really isn't designed for public entities, so it creates some confusion. The rules have been amended since then, 2013, 2015, 2017. They were considered in 2019 but were not amended at that time. Even though it's been through a few rounds of amendments, they're relatively new rules and we're still working out some of the bugs. I'd like to start

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with the powers of the presiding officer, debate and decorum, and move into voting and motions, that would be part one. So the rules provide that the mayor is the presiding officer for the council meetings.

Rule 1.1 states that the presiding officer decides all points of order and conducts the meeting in accordance with the rules. Rule 10.1 is the presiding officer preserves decorum and decides all questions of order subject to the appeal of the council. If the presiding officer fails to act, any member may by point of order request the presiding officer to enforce the rules. So that's the procedure. Let me break it down a bit more for you. Rule 4.3 provides the presiding officer shall after consultation with the parliamentarian, that's currently me, the city attorney, determine all points of order and points of privilege subject to the right of any member to appeal to the council. Following a second, a majority vote shall govern and conclusively determine any appeal to the council on a point of order or point of privilege. Then we have rule 4.4. This sets forth a very particular procedure for an appeal.

Any council member may appeal a ruling of the presiding officer to the council. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the appeal and the presiding officer may explain his or her ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, shall the decision of the presiding officer be sustained. If a majority of the members present vote, the ruling of the vote aye, the ruling of the presiding officer is sustained, otherwise it's overruled.

We've never really officially implemented this procedure that I can recall. So those are the rules generally about the presiding officer, points of order, and how the council would appeal a ruling on a point of order to the rest of the council. Would you like to keep these rules as they are, modify these rules? For instance should any member be allowed to consult with the parliamentarian? Would you like to remove the mandatory consultation with the parliamentarian? Would you like to keep the appeal procedure in place or change it? Some other modifications to these rules.

[Time: 00:37:33]

Mayor Ortega: Councilwoman Janik.

Councilwoman Janik: These rules are very confusing. I tried to use them, I think we were successful but we stumbled a bit. Do you have suggestions for ways to make it clearer. It's my understanding that again this needs a second. But if someone is going on and on and on and on, you can't interrupt them. You're not supposed to interrupt them as far as point of order. And you have to be recognized. Well that's kind of a double-edged sword, because if the problem is someone is going on and on off task, you want to interrupt them to call a point of order. So you know what I'm saying.

City Attorney Scott: But you can interrupt to make an order.

Councilmember Janik: You can?

City Attorney Scott: You can. I believe that's in a slide coming up, I'm right about that, right? It's one of the few situations where you can interrupt. Now if the presiding officer rules that the person you're complaining about is not out of order, then it just proceeds unless there's an appeal to the rest of the council. You know, the thing about the rules and it's hard for me to try to figure out how to assist here. I

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agree they could be simplified. But one set of rules may work really well for a particular council and not as well for another council. And it's all a matter of what the council wants to decide its rules should be.

I think we waited for a while to have this conversation in part for the council to spend a little time with these rules and see what's working, what's not, what you think might be an improvement to the rules. I think the appeal procedure is a little, it's a lot. It's very specific. But we can have it out for you in case somebody wants to operate that procedure. I tend to think that the council by practice likes to come to the parliamentarian and ask a question. By our rules, that's not really allowed. It should be the presiding officer that's asking the parliamentarian a question. And I think that deserves some clarity.

Mayor Ortega: We also have a couple of points of discussion. Next we have Vice Mayor Durham and I have one and councilwoman Caputi next.

Vice Mayor Durham: In response to your question about any council member being allowed to consult, in effect you can by making a point of order and getting a second. That does present a question to the parliamentarian, right?

[Time: 00:40:42]

City Attorney Scott: Technically only the presiding officer should be consulting with the parliamentarian about the point of order. The way the rules are currently written. Let me go back to that. So it provides that the presiding officer shall after consultation with the parliamentarian determine all points of order and points of privilege. Now I do try to answer questions when they come to me. But if I'm technically following the rules, I probably shouldn't be doing that.

Vice Mayor Durham: But the council member may state his or her reason for appealing a ruling of the presiding officer. So they do sort of get that chance in that way.

City Attorney Scott: That's true..

Vice Mayor Durham: Another point I wanted to make was that you said we can interrupt somebody for a point of order, but the rule 10.4 seems to say not. Oh wait, not 10.4. 10.3. It basically says there's no interruptions and there's no exception for points of order. So I think it might be good to have an exception for point of order in there in 10.3. Thank you, mayor.

Mayor Ortega: Thank you. Let me point out something else on this; let's say just to clarify the presiding officer and when a question of point of order to whom it's addressed, let's say there's a situation where the vice mayor is handling appointments because the presiding officer deferred that task. And a question of point of order was raised by any council member, that point of order would be directed to the presiding officer, that would be to me. I'm just clarifying that. Then I could rule on that perhaps or ask for explanation and then that could be upheld. So presiding officer in this case even though there may be another speaker on the floor, whether it's subject to a topic or an appointment case, it would still be directed to the presiding officer. Does that make sense?

City Attorney Scott: It does.

Mayor Ortega: Thank you.

Councilmember Whitehead: I'll try to keep it quick. The ability of someone on council to address the city attorney when it's not a point of order, that's still okay? We ask you questions regularly.

City Attorney Scott: It depends on how the council wants its rules to be. But yes, once recognized, you can ask me a question. It's the issue of the point of order.

Councilwoman Whitehead: Okay, that's fine.

Mayor Ortega: So to clarify, we will always call on you for some legal recounting of something perhaps, but the point of order, this is on the procedures. Councilwoman Caputi then Littlefield.

[Time: 00:44:19]

Councilwoman Caputi: Just the same topic. It's my opinion that anyone on this council should be able to ask you for advice if something comes up. I don't see why we would prevent that from happening. Because it's already happened in the year and a half that this council has served that we've had questions about things that are happening and I don't know why we would limit that. So it would be my opinion that we would all be allowed to ask a legal question or an opinion from you if anything came up.

Mayor Ortega: Councilwoman Littlefield, Milhaven, then Janik.

Councilwoman Littlefield: I agree with the comments that Councilwoman Caputi made. I think access to our legal advisor, our treasurer, to any attorney or officer we need to ask advice from, that should be open to all council members.

Mayor Ortega: Councilmember Milhaven.

Councilwoman Milhaven: Agree.

Councilwoman Janik: I'm still confused. I have a definition of a point of order. And it says it does not require a second. And yet rule 4.3 indicates by saying following a second, a majority vote shall govern.

City Attorney Scott: So let me explain, the point of order does not require a second. It's the appeal to the council that requires the second.

Councilwoman Janik: Thank you.

Mayor Ortega: I appreciate the thank you when you concluded. So when you address in the future let's say thank you. We had a consensus generally, are we okay? So we will continue with the next discussion.

City Attorney Scott: Debate and decorum during council meetings. Rule 10.2 provides that the principles of civil dialogue as adopted by council resolution 9445 will serve as a guide for the conduct of the city council meetings. That resolution, resolution number 9445 provides that the City of Scottsdale

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encourages as an aspirational goal for all of those engaged in the discussion of public issues adherence to the principles of civil dialogue which states as a member of the Scottsdale community, I will genuinely listen, speak respectfully, and be accountable for my words and actions.

So for rule 10.2, the rules of civil dialogue, do you want to keep this rule as it is? Do you want to modify the rule and include the rules of civil dialogue directly in the rules rather than as a separate resolution which I would recommend. It could either be a preamble or separate rule. Explicitly state that civil dialogue principles apply to all facets of the council meeting. Expand or strengthen the civil dialogue rule or some combination or other modification. I'm going to go back to that so you can see what that looks like.

So if you wanted it to be a preamble, we could make it a preamble. If you just wanted to modify the rule as is, then we could just instead of attaching it as a resolution and exhibit, we could just make it that rule number.

Mayor Ortega: Vice Mayor Durham.

City Attorney Scott: Section 7 or 9? We're not necessarily going in chronological order. But I think we're going to go back to public comment, but we're happy to take your questions now if you'd prefer.

Mayor Ortega: It appears to refer to public comment which might be part of civil dialogue in a broad manner.

Vice Mayor Durham: I don't see in the slides that we were covering 7 and 9, were we?

City Attorney Scott: It's part two.

Vice Mayor Durham: I can wait until then then, that's fine.

Mayor Ortega: Councilmember Milhaven.

[Time: 00:49:18]

Councilwoman Milhaven: I would agree we make it part of the rules however appropriate. I think it's brought in generally enough, I don't think we need to make any changes. Thank you.

Councilmember Whitehead: I agree with that.

Councilmember Janik: I agree.

Mayor Ortega: We have consensus. Okay, good. I do have an add on to that in that and part of this reference has to do with public comment or civil dialogue and listening intones to me that that could be the area of public comment. In terms of handling the order of a case, not public comment, but just a case that's presented by staff, presented by the applicant I prefer to have and you'll see that generally calling upon public comment that seems to listen to them first. I try to use that order. At times people will say well if you have any questions of council, of staff or the applicant, sort of interferes with the

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public comment. And I prefer to run that way, that it does, they come to speak and then there's an opportunity after that point for our own questions and comments.

So I think we're deferring that listening task and even our questions to after public comment. That's the way I've been trying to run it. And it tends to, also other questions, I've never cut anyone off or said we have 40 speakers, therefore you only have one minute each. We've never had that situation. Even when we've had 20 speakers, all I would say is state your name, you have three minutes or less, right. And so I think that's part of a good order of habit. Now after that, there is a portion that's under the title rebuttal. And I don't really like applicant rebuttal. I like the term response, the response is a chance for the applicant to say maybe Ms. Jones didn't hear me on this one, or I can clarify maybe a misconception. It's not listed as a rebuttal to the public by the applicant.

I don't feel that that's the correct terminology. That's again a very ordered way of handling it. Later we'll get into the motions and how that can be handled. But I think as we do that, it's easier to track for the record and so forth and then I can definitely close public comment. Okay, we'll move on. Thank you.

City Attorney Scott: Yeah, and just if I may, the presiding officer currently can change the order of the agenda or the order of the presentations. We do have a slide coming up listing how we automatically do it. And we can make a note of that when that slide comes up that that's your preference. 10.6 and 10.8 obtaining the floor. Any council member desiring to speak shall address the presiding officer and upon recognition by the presiding officer shall confine his or her remarks or questions to the issues at debate.

When two or more council members request to speak, the presiding officer shall determine the order. So would the council like to keep those two rules as they are, modify the rules? I know that there's been some discussion of use of the queueing equipment for how the speakers will be recognized or in what order. Ben can speak to that because he operates that equipment. And I'm across the room so I've never really paid attention to it. The presiding officer, should that be required to queue themselves, would you like some combination or other modifications? I'll go back to these two rules. Ben, did you have anything to add?

[Time: 00:53:43]

City Clerk Lane: Thank you, Sherry. The idea about adding something to the queueing equipment, is when we had these rules this equipment wasn't available at that time. It's just adding in some language to note that the council will queue themselves. And the way the rules are right now is that all of the council members speak at least once and then if they want to speak again, then they get an opportunity to. But that's why sometimes in the queue I move people up and down if they've already spoken. It would just be to note that we use queueing equipment in Scottsdale to make the rule more reflective of what we do here.

Mayor Ortega: I see some additional comments.

Councilmember Milhaven: I think that's a good idea to do that and we get called in the order we select. Also I noticed more recently that the mayor holds his comments until the end. But if he wants to queue himself to speak sooner, I think that that would be appropriate too, you don't need to wait until the end if you want to queue yourself up to also share your points of view.

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Mayor Ortega: Thank you. I tend to be the only one to see the screen so I tend to monitor everyone and defer mine after, kind of respectfully after everyone. But Councilwoman Whitehead?

Councilwoman Whitehead: I agree it's working really well but maybe we should add the equipment.

Mayor Ortega: Councilwoman Caputi and Littlefield.

[Time: 00:55:27]

Councilwoman Caputi: Respectfully I actually agree with that. I think we should all have to queue. The issue is when we've all spoken and it's sort of okay that's it. And the final word is, right. And sometimes people still have things to say. So I don't know what has to happen to make sure everyone has actually spoken. Because I think that happens quite often. And I'll close with, right, but then what if people still have things to say. And if all of us haven't queued, that seems to be a problem. I just think it causes a little bit of frustration.

Mayor Ortega: Where there is a point, so the actual document then says that, I'm going through, council members shall not be recognized by the presiding officer to speak multiple times. This is 10.11. On an issue under debate until every member has been given an opportunity to speak once. So that's already covered in the rules. And I try to, if you haven't spoken yet, I try to go to you before I go to a repeat.

Councilmember Caputi: Yeah, that I agree with. I think sometimes the deciding of when conversation is closing, that's all.

Mayor Ortega: And from time to time I will kind of nod to somebody and they'll say no, I don't have anything to say. So I've been conducting the meeting with that in mind that if someone buzzes in repeatedly, I'll try to call on someone who hasn't or has yet spoken.

Councilmember Caputi: Right.

Mayor Ortega: That's in my rules. So refer to item 10.11. It's already calling for that. So at this point I think what I want to underline on item 10.6 is that when the floor is given to a councilperson and they're recognized, as long as it's on the subject and remains on the subject whether it's a main motion or just to talk about what, remember the way we notice the public is the topic and all of the accessory materials. So going off base too far, it just starts to confuse the audience and our efficiency. Again if at any time someone may feel that someone may have overstepped whether it's called out by the presiding officer or any other person that may feel that going perhaps off base or not the course. So anything else? Councilmember Milhaven.

Councilwoman Milhaven: I wanted to make sure what we talked about is calling on people in the order they queued in the equipment, and then before folks had a second chance to speak that we were all good with that. I want to come back to the presiding officer queueing themselves. Let's imagine we had a mayor who wanted to rebut something each time someone said something he disagreed with. He would then have the opportunity to speak each time for each other person which doesn't seem to be in line with the rules of the presiding officer to run a meeting. And so I think for the presiding officer to

share an opinion or point of view on an issue or a policy, they should also queue themselves and not take liberties to make comments in between. If you could imagine such a thing. So I would suggest that the presiding officer also queue to share their opinion.

Mayor Ortega: Well you have to realize things are flashing, people are leaving it on. I'm doing the best I can or the presiding officer who will be handling what's happening. Typically again I tend to reserve my comments. Let's see if there's consensus, vice mayor, or any other point to raise here. Vice Mayor Durham.

Vice Mayor Durham: Thank you, mayor. 10.9 and 10.12 do recognize that you can make a point of order and interrupt another council member specifically. So it obviously is loud and just for consistency I think that the earlier provision it might be good to amend that one just to make them all consistent. Thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilwoman Littlefield: I was just going to say that I agree with Vice Mayor Durham.

Mayor Ortega: I think we have some consensus.

Councilmember Milhaven: I was going to make the same point. I don't know if my colleagues disagreed or agreed with the comment made.

Mayor Ortega: the final form will come through once we've had the discussion. Generally I abide by more procedure outlines that's already been accepted. And these are highlighting only a couple that are within the slideshow. So Councilwoman Caputi.

Councilwoman Caputi: Councilwoman Milhaven is asking for our opinions on that. I agree, we should all be put in the queue. Something I've found frustrating is when it's said okay and I will close with and nobody else gets to talk, that's the end of it. It would be nice if everybody had to queue in and we all sort of took turns giving comments and opinions. That's my two cents.

[Time: 01:02:00]

Mayor Ortega: I see what you were saying. I didn't mean that it's the final word. It may have been just an expression. It does not prevent you, and I think you've come back a couple of times and I see it. So whoever lights up will be, I tend to personally defer and unless there's a repeat going on, I will or the chair will try to conduct the order of who's speaking. I'm not comfortable to end any conversation or it's not intended personally speaking about that. It's more of an impression I'm the last speaker, or I try to defer to others. Councilmember Milhaven.

Councilwoman Milhaven: As long as someone is requesting to speak, the rules of procedure don't call to close the discussion. Even if someone says this is the last comment, people can speak unless the council voted otherwise. I would like to hear how my other colleagues feel about requiring the presiding officer to queue up to express an opinion.

Councilmember Whitehead: So I think the idea is that when like I speak and then you're in charge of handing off to the next person, you hand it off, you queue yourself in? That seems reasonable.

Mayor Ortega: But remember, there may be 2 or 3 people ahead of that. So I have to speak to acknowledge the next person. That's what I'm saying, I always have the chair to acknowledge the next speaker. If I were to queue, I can't queue myself to the very top each time.

Councilmember Whitehead: No, no. I guess the idea is that would make our meetings more efficient is the idea is that if I was chairing the meeting and I spoke first because you have the right to do that, I spoke first, I really like red doors and then we went through the queue and Councilwoman Caputi only liked blue doors, I wouldn't make a comment about the blue doors as I handed off to Councilwoman Littlefield. She's very troubling. But the idea is then at the end you would state which door, because maybe that would make meetings more efficient.

City Attorney Scott: If I may, mayor, I think the point is not to have you queue up for procedural duties, but only substantive comments about what is being debated.

[Time: 01:04:56]

Mayor Ortega: I understand that. And perhaps I'm queueing myself when I say I'm speaking now and hopefully everyone has gotten the word. So yes, I could queue but I'm guessing you can't see the queue from there. I know, but so, queueing myself doesn't change the fact that I'm speaking for myself. If I choose to speak on the issue --

Councilmember Milhaven: What we're saying is you should queue yourself to speak on the issue.

Mayor Ortega: I've never done that because I defer to everyone else.

Councilmember Milhaven: We're suggesting a new rule.

Mayor Ortega: I don't particularly see any purpose in it. In fact I wouldn't even know which one is it.

Councilmember Milhaven: Right here.

Mayor Ortega: Yeah, a request to speak, I find that just interesting. Because these are flashing all the time. But okay. Is there any purpose in, I mean I hope we can get the queues working. Go ahead.

Councilmember Janik: I think it's fine for the mayor to queue, but realizing that he gets to recognize who gets to speak next. That's totally fine, that's your job. But when you have commentary, we all need to follow, I think we all should queue. That's how I feel about it.

Mayor Ortega: Okay. Well then it will show to myself and it will show to the clerk. Thank you.
Councilwoman Littlefield.

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Councilwoman Littlefield: I can see the screen from here. But the mayor always follows through on the order that people hit the button as a request to speak and that's how it's always been done that I see. If you want to put that in an order form, that's fine. But it's just a procedure that's already happening.

Mayor Ortega: Okay, well continue.

[Time: 01:06:58]

City Attorney Scott: Very good. We've already had some comments on these rules. But rule 10.9 to go over it again. A councilmember once recognized shall not be interrupted while speaking unless called to order by the presiding officer or unless a point of order or point of privilege is raised by another council member. Rule 10.3, council members shall not interrupt or refuse to follow the direction of the presiding officer. Rule 10.12, if a council member is called to order while speaking, he or she shall cease speaking immediately until the question of order is determined. So for these rules, 10.3, 10.9, 10.12, do you want to keep those rules as they exist? Do you want to modify them?

Should there be a requirement to note when the floor has been relinquished. Sometimes they don't understand when a council member is finished and they're not finished, they've just paused. So should we have a closing remark like thank you or I yield the floor or something similar be required in the rules so we can keep better track of who has the floor and who doesn't? Should some debate be allowed if a councilmember is called to be out of order, or do they simply need to stop talking unless it's appealed to the council. Would you like other modifications to these rules? I'm going to go back so you can take another look at those rules.

Mayor Ortega: Councilwoman Whitehead and councilwoman Janik.

Councilwoman Whitehead: I think they're good. I think we manage.

Councilwoman Janik: Very good.

City Attorney Scott: Any other debate on decorum rules I haven't gone over with you? We're not going over every rule, just some of the rules that have garnered attention. Let me know if we get to the end and there's something you want to go over that we haven't gotten too. Voting and motions, everybody's favorite. To begin this discussion, let's go over some definitions, the main motion according to your rules is defined as the initial motion made to bring an item before the council for debate. An amending motion, this again is in the definition in your rules is a motion to change a pending original motion.

The amendment is usually made to clarify or improve the wording of the original motion and must be germane to that motion. A friendly amendment is any amendment to a main motion if acceptable to the maker and the seconder of the motion. If it is, it may be considered a friendly amendment and incorporated into the main motion without a vote of council. Keep in mind a motion to amend requires a vote to amend the motion. A friendly amendment doesn't require a vote to amend the motion. An alternate or substitute motion is so significantly different from the main motion that it is offered as an alternate for that motion under debate. And a motion to continue is its own type of motion. It can be used to continue to a date certain or a date uncertain. And it can only be amended as to the time to be brought back. And this is the general order of the motions.

A motion to continue and that's primarily in Robert's Rules of Order. I'm having a debate with Councilwoman Milhaven about that but I have a new chart to show you after the meeting. An alternate or substitute motion is next. An amended motion is third and a main motion is fourth. That's the order currently. In fairness, we would benefit from more clarity about the order for a motion to continue. And of course you can change this order up as you see fit as a council.

Mayor Ortega: I queued myself so I can speak now. In my experience again the audience, the applicant the staff is prepared and agendized to consider an agenda item. And by having a main motion, that opens the dialogue whether someone opposes it or can amend it. The problem I have is with the alternate or substitute motion because in my experience, amending the main motion is the correct order rather than introducing an alternate motion that would somehow or substitute motion that would precedent over the main motion that's made. I'm not saying that it's rude or indifferent or whatever. I'm just saying that the preparation, the response to everything is for the main motion.

[Time: 01:13:14]

So frankly I am more attuned to putting the alternate or substitute motion probably really getting rid of the term substitute motion in the order of handling a main motion. Now I can follow up to that and I'll tell you why I think it's very respectful to the audience and to one another once we've opened the main motion to and answer questions and so forth to then if someone proposes an amendment to the motion, to the main motion, and if it's seconded, then that really gets some dialogue going. And having one motion on the floor, that is the main motion, and then an amended motion is very productive and useful. Now if the amended motion is seconded, discussed, and say it's approved by the majority, well that's progress, right?

That's progress. And another amendment may come up on the same made motion that someone else may have seen as another view saying I like that part but I see something else maybe except on Tuesdays or whatever this thing is. Then it's an amendment that the clerk can keep track of. At least he knows the First Amendment. So I prefer to see one motion at a time on the table and the substitute motion to me is very disruptive especially when we have the main topic as the purpose of us being here. So I see Vice Mayor Durham then I see Councilwoman Littlefield.

Vice Mayor Durham: Thank you, Mayor. My first comment here was I just wanted to get rid of the alternate substitute motion, at least one of them, either alternate or substitute, I don't care which one it is. But it just doesn't make any sense to have both. What the mayor was just saying, I think it's logical to look at the alternate first before you get to the main motion just to see whether there's any consensus behind the alternate version and then you either move with the alternate or not. And if you don't, then you go back to the main motion. It seems to make sense to me to do it that way, the way it's listed here. But I could probably be convinced otherwise. It just seems to me if you're going to decide to put off before you decide to continue straight ahead on the path you're on, you need to decide whether you're going to take the detour and then once you're not taking the detour, then you can keep on the road you're on. At least that's the way it seems to me. Thank you.

Mayor Ortega: Thank you. Councilwoman Littlefield.

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Councilwoman Littlefield: I had much the same thought on this one. Number two, alternate/substitute motion is one in the same to me. So get rid of one of them. I think keep alternate, get rid of substitute. It makes more sense as you go through a motion to continue an alternate motion, an amended motion. They're different things, and so they need different things. But you don't need the two different words because then that gets more confusing. Thank you.

Mayor Ortega: Again I queued myself and then Milhaven. One of the problems we have is page 10 of 14, it's 11.18, it says an alternate or substitute motion must be voted on before voting on either a main motion or amendment to a main motion. Well gosh, there's also the problem, so I think that has to be taken out of there. The reason I say that is because somebody would have to interpret what an alternate motion is with the material associated with it. I say that because the way the posting of the discussion and remember before the motion is made, we've already had a presentation of some sort. Remember the main motion could be to deny this. Could be deny and that could fail or not. The main motion could be to approve this with amendments.

[Time: 01:18:22]

But the main motion should be made first to approve or deny. And then say but I have reservations about this and I want to amend it with these amendments, then you can vote on those amendments. But having for the chair, the presiding to say this is an alternate motion that's not even posted here and it seems to be a little bit off the track, it then requires, it sidetracks us too much from the main topic. And amendments they could be made, if it's that close to something that's related, it seems like you could amend it without having an alternate motion. So I don't see any reason to have number two alternate or substitute motion for the amended motion when you have amendments to make to a main motion. Again that's just how things can flow versus perhaps saying well I have a substitute motion and so far I think we're throwing out substitute motions. Councilmember Milhaven and Vice Mayor Durham.

Councilwoman Milhaven: The mayor has a good point. Robert's rules has distinct rules of what's a substitute motion. It doesn't matter if it's one or the other, it's a motion on top of a motion. In practice what we've done is whether it's an amended motion or an alternate or substitute motion and someone wanted to make a motion on top of it, we typically accepted it. I do think it's important to consider them in order and in reverse order. And I'll give a good example you were saying, so let's say I want to vote for something but somebody does another motion that says but I want a blue door on this building but I don't want a blue door but I want the project, but at the end of the day I'm okay to have it with a blue door rather than no project.

So if I vote no because I don't get the blue door, but it fails, I can't bring it back, then it becomes an argument as to whether or not because I voted no and I was on the losing side, can I bring it back again, right. So what can be reconsidered because you can't reconsider the same item in the same meeting. So if we have different motions with different nuances, then I know my choices to vote yes or no and we're more likely to get a chance to vote the way we want. That's why I would really support whether it's alternate, substitute, or amended, it doesn't matter. The rules also say only three at a time. So that keeps it from getting more complicated and then we just consider them in order, cascade them down. So that's sort of my two cents on that. Thank you.

Mayor Ortega: Vice Mayor Durham.

Vice Mayor Durham: Thank you, mayor. Focusing on the language and the first sentence seems to say that an amendment is the same as an alternate or a substitute. So all three of them are in the same. So I generally would agree with the method we've followed here the last-in, first-out is to take away the later motions, vote on those, and then work our way back to the main motion. I don't know if looking at Robert's rules whether that would figure this out. But I think maybe we should maybe clear that an amendment or alternate and substitute are all the same thing.

[Time: 01:22:21]

City Attorney Scott: So to clarify, you're suggesting that whether it's an alternate, a substitute, or a motion, that distinction doesn't really matter in terms of the order of voting. It's first in, last out, am I saying that correctly? And would you consider a motion to continue in that basket of first in last out? Or should a motion to continue be the first out?

Vice Mayor Durham: I would probably say the motion to continue needs to be the first out.

Mayor Ortega: And let's make sure we get our nomenclature right here as you say. Did you have something else to clarify? Because in my opinion running the chair having three active motions is wrong. If you go to other municipalities, they say one motion and one amendment on the floor. One amendment to a main motion at a time. If someone wants blue doors or not blue doors, they can vote on that as an amendment. The next material, it doesn't limit the amount of amendments. Hopefully the next amendment might say except on Tuesdays or Wednesdays. And if it got a second, so that was a separate amendment. We don't need to call it an alternate motion or a substitute motion because it interferes with the main motion.

So by having my rule that I would like to see is that we have only one motion on the floor so that he can keep track of it, I can keep track of it. Everyone can keep track of it versus saying there's three motions to amend on the floor. Let's just vote on each of them one at a time as they come forward. Sometimes a friendly person will say oh I like the green door and I also want to add something else, will you add that onto your amendment, and the people may say okay I like that. Some people may like it, some people may not. If they agree to add it as a friendly, okay then it's got a second, it's spoken and it's voted on. A third person might say I was thinking about not revoting that one issue, but going on to another issue on the part of the ordinance or something else. And that's a separate stand alone, there's no hierarchy in terms of saying well we have to have three of them at the same time winding through our heads, right.

And that's why the true form and we're not quoting Robert's Rules of Order because this has already been amended so many times. But essentially in my opinion, having an amendment to a motion covers what the discussion is about. And it's useful to build on as it's got a motion and a second, maybe a friendly added on a little bit but then we vote on that one before someone says wait I've got a substitute motion. It's like oh my gosh, if it's a different subject anyway, let's just get this one cleared and especially when it says the substitute is like a strike call where some rule comes out of nowhere and oh yeah we have something else to talk about. It scrambles it up too much to declare a substitute.

And here it says the substitute must be voted on automatically ahead of the main motions, like wow that really kicked everybody off the discussion that we were having, win or lose, if that amendment

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passes or fails, it's okay. Then someone can bring up another amendment, get a second or not and go with that. This is one reason why between all of us we may have a different idea on an amendment but it doesn't all have to be included on that first one. And having a substitute motion, in my opinion, is too disruptive and it can just be thrown out there and it can just screw everything really up when we've had a respectful discussion about an amendment to the main motion. So I'm more attuned to say eliminate number two alternate and substitute, it's really an amendment to a main motion.

Now Councilwoman Milhaven said what if something is bad and got voted down. It's true that someone could come back and say, I voted in the negative however I want to reconsider this. So we're already covered, it's not an alternate motion but it's a motion that is allowed in another set of rules that allows something to be saved rather than just have a final action. That's the part of dialogue that I think is more constructive if we deal with one amendment at a time. That's why I would ask for that, that we be specific and say it's preferred that we have one amendment at a time, win or lose.

And then hear the next amendment, win or lose. Even if it's five items and one amendment. And then be done with that. And then we can vote on the main motion with amendment number one or amendment number six that were approved. And then we're done. It's easy for him to track. Go ahead, Vice Mayor Durham.

[Time: 01:28:47]

Vice Mayor Durham: One reason I can think of to have more than one motion is so we'll know what the possibilities are. Because if Tammy says it's a blue door and Linda says it's green and then Cathy says it's red and I say oh yeah, I'm going to wait for the red door motion. So I'm just going to sit back and vote against everything else until we get to the red door. I mean that often happens in reality here. Someone takes one position, somebody takes a different one and somebody else comes up with a different one and I say to myself oh yeah I'm going to wait for that one. You know, wait until we vote on door number three.

Mayor Ortega: Thank you. Councilwoman Caputi, Councilwoman Janik.

Councilwoman Caputi: I completely agree with Tom, that's what I'm sitting here thinking. In practicality more flexibility is better. While we're sitting up here, it is very helpful to me when I hear what other people are thinking just to have some options, oh I hadn't thought of that, that's actually a way better way of handling that. That's what I would prefer.

Mayor Ortega: Go ahead.

City Attorney Scott: If I can ask a follow up question, thank you, mayor. Are you of the opinion that you like this order or that you like first-in, first-out, and lumping alternate motions with motions to amend?

Councilmember Caputi: I agree that we don't need all of these different terms and things. I just think it's okay to have several things going.

City Attorney Scott: I'm sorry, I misspoke first in, last out.

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Councilmember Caputi: I agree that the last thing we're addressing seems to be the thing we should probably address first. But I do appreciate being able to hear the different ideas that are on the dais.

City Attorney Scott: Do you think that motions to continue chub -- should be first out and treated differently or a straight first-in, first-out rule?

Councilmember Caputi: I don't feel strongly. I'm okay if people want to treat the motion to continue separately. I'm totally fine with that. I feel neutral about it.

[Time: 01:31:27]

Mayor Ortega: Okay. Well, sorry, I queued myself in before Councilwoman Littlefield. But again if someone amends the motion to say I like a blue door and someone seconds that motion, then there's discussion. And if someone says I like blue and I like yellow, that's a good way to discuss what or why that preference is. But if another person says there's a motion and a second for a blue door and I move for a yellow door and I got a second for a yellow door, well then that's compounding it all. It's not really productive. Then there would be discussion about the yellow door and someone else says I like a red door. You'd have three motions in play when you really just can express it based on the motion for the blue door to begin with. And that's okay. You could give your reasons for why you support that or you don't support it.

But having three motions on the floor doesn't help me and it doesn't help us get to where we can still have dialogue and you can still explain why you prefer not to support the blue door motion or not. So that's why you can't have so much activity. In general the Robert's Rules would allow one motion on the floor at a time as an amendment. And if it's voted down, if blue doors are voted down, then it's okay. Someone else will say I move for yellow doors. But you don't have all three of them simultaneously running at the same time. And that's why it's more the flow works better by saying let's vote on what's on the floor and any objections may become another amendment. So it's almost an additive or subtractive amendment to a main motion. And it's useful. It's very flexible. Every amendment can have discussion. And the opportunity for someone to say how about a friendly amendment. I want half of them red and half of them blue. Do you agree with that? Okay, I agree. The motion to amend is intact.

And we don't need three motions to get there. So that's really why I support having one amendment handled at a time. It doesn't mean it's the last amendment that's going to be handled. But it sets up a discussion for that topic. And having three amendments all at the same time is very difficult for the public to keep track of. That's why I want to, I don't see any, I want to emphasize that we have a fair discussion on a motion to amend and a second. And one at a time is very helpful for us.

That's the rule I'd like to see trying to keep track of which one to vote afterwards gets really jumbled up. And if someone says well I want a substitute motion it's just like wow, let's just keep it clean. I'm going to say this also, at one point someone made an amendment motion before the main motion was on the table. It happened. I'm not going to say which case, but it happened. Someone made a motion to amend something and there wasn't a main motion. Well that's technically a motion. But it hadn't, it didn't have the grounds to be recognized. It didn't happen, believe me. Well it happened during one of the discussions. Okay. So there again that motion actually was semi out of order because we didn't have a

main motion to amend. Just like the point of order, we have to have a motion on the table before.
Councilwoman Whitehead.

Councilwoman Whitehead: I thought I was hearing consensus, but I must say, mayor, now I am a little bit confused. I think that we're getting rid of substitute and we're keeping alternate. Alternate and amended are really different and so I don't like combining those two at all because amended is where you often correct me because I missed something in my motion. So that's amended. Alternate is where Councilwoman Milhaven completely disagrees with me. So what I would like and it has been helpful, we had this last night although I'm not convinced I got the correct order and I'm not going to complain, but I think that the way we do have flexibility but the motion to continue is separate. You want to continue, let's vote, get it done and go home. But then alternate, amended, main, with last-in, first-out. That's the consensus I thought I heard.

[Time: 01:36:46]

Mayor Ortega: Well we always vote on the main last that's whether and however it's amended. Okay.

City Attorney Scott: Just one more question. Do we have a consensus on whether or not there's a cap on how many motions could be pending at any one time? I heard the council consensus on you liked the three amendments. No more than three amendments, but there could also be a substitute in the mix on top of those. And there could also be a motion to continue.

Councilmember Janik: No substitute.

City Attorney Scott: I'm sorry, alternate, same thing.

Councilmember Janik: Three and done.

City Attorney Scott: And it sounds like we've got a consensus on that. Wonderful. I think that does answer some of your concerns as well there. Three max. All right. Does the council want --

Mayor Ortega: So basically 11.18 mentioned substitute, you've got to cross that one out.

City Attorney Scott: We'll change that.

Councilmember Milhaven: Aren't we essentially saying they're all the same thing whether it's an alternate, substitute, or amendment, yes?

City Attorney Scott: We're going to have a new thing that says a motion to continue has first priority, all other motions are last-in, first-out.

Councilmember Milhaven: Regardless of what we call them.

City Attorney Scott: And we're going to take away substitute motion and have it simply be an alternate motion. Is there any other suggestion that the council has or modification or request about motions? Sounds good. This is my favorite part of the presentation where I get to turn it over to Ben.

Mayor Ortega: Kathy, go ahead.

Councilmember Littlefield: I just would like to have also a distinction or a definition maybe as opposed to a distinction, a definition between an alternate motion and an amended motion. But they're separate line items.

City Attorney Scott: We have definitions currently on alternates and amendments and how they differ. It's not going to matter in terms of the order based on the consensus I'm hearing. But an amendment is usually germane to the main motion and just clarifies or improves it. And an alternate is so significantly different from the main motion that it's offered as an alternate for the motion under debate.

[Time: 01:39:39]

Councilmember Littlefield: For the motion itself, I wanted to make that clear that that was not just moving on adding another sentence, another paragraph, another page. Thank you.

City Attorney Scott: You're welcome.

Councilmember Caputi: So sorry, can I just ask Sherry one last question.

Mayor Ortega: Councilwoman Caputi.

Councilwoman Caputi: You did ask should all council members be allowed to speak before a motion is made? Do we have a rule about that?

City Attorney Scott: There is not a current rule about that. It has come up in some of the current meetings. Sometimes there's a motion before all of the council members have gotten to speak and then the debate becomes about the motion as opposed to the general item. The council can create a rule on that.

Councilwoman Caputi: I agree sometimes it's gotten a little confusing. Maybe we should decide.

Councilmember Whitehead: I agree with that.

Councilmember Janik: Yeah, I think it is confusing as well. Because we do both and I think we should do one or the other. And I think it's better if we do it after the motion is seconded rather than before. But I'm open to either as long as it's not both. Because once the motion is made there's more clarity on what we should be discussing.

Councilmember Caputi: Yeah but on the other hand sometimes as Tom and I were saying when we have conversation then it sometimes inspires the motion idea.

Councilmember Janik: That's true. So either way I'm fine with it.

Councilmember Whitehead: As long as everyone gets to talk, I'm happy about --

Councilmember Whitehead: It seems like the mayor always without a rule always gets us all in.

Councilmember Caputi: He's great about that, I agree.

Mayor Ortega: I think what happens is I tend to preface by saying before we have a main motion is there a question or something that needs to be clarified. And then after everyone has had a chance or not, then I say now we're waiting for a main motion and that allows us to then make a motion, second it. And again someone may say I move to approve this, I really don't support it the way it is, but we'll talk about some changes. Someone seconds it. Then the main motion is on it. And then the person can discuss their amendment and that makes progress, right? So the public has that orderly kind of conversation as we're handling it. At some point so any other comment? Sorry you missed it. Okay, moving on. Number of motions allowed at a given time.

[Time: 01:42:30]

City Attorney Scott: Mayor, I'm sorry. I didn't get a consensus on that. Is the council wanting a motion to be made and seconded before debate begins. Or is the council wanting all council members to be allowed to speak before there is a motion? Or just keep it more flexible?

Councilmember Milhaven: Robert's rules say you need a motion and a second to speak, but that doesn't apply here because we have an agenda that's notified the public we're going to talk about something. So I think it's appropriate to talk about it before a motion. I think we can be really flexible about when somebody wants to make a motion.

Mayor Ortega: That's what we decided when you were --

Councilmember Milhaven: She said she didn't get consensus.

Mayor Ortega: Councilwoman Littlefield. And at some point I'm going to somewhat call it and say we're ready for a motion at this point do I hear a motion. Great. Meeting management, public comment.

Councilmember Milhaven: So it would be appropriate as the presiding officer to say I call for a motion if you think the discussion has gotten to that point. But I know there have been some times where you thought the motion was out of order saying we could be flexible saying anybody could make a motion at any time.

Mayor Ortega: What I mean to say is in this dialogue that we have perhaps the second person has spoken up and wants to make a motion right away, I say can you hold off a little bit.

Councilmember Milhaven: But what we just said was that motion would be allowed and be in order.

Mayor Ortega: Yeah, it can be. And again at some point --

Councilmember Milhaven: It would be.

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City Attorney Scott: It would be unless there were already three motions on the floor. The only motion that would be out of order is if it were totally off agenda, completely unagendized item. Or if it was the fourth motion and you already had three on the floor because we're going to write in a maximum cap of no more than three motions on the floor at any time for any single item. Does that make sense?

Mayor Ortega: Yeah because again the main motion is riding forward, any amendment is riding forward, and even a Second Amendment is riding forward. Continue.

City Clerk Lane: Thank you, Mayor, and members of the council. In this part we are seeking council feedback in the broad areas of meeting management which includes agendas, public comment, the process involving applicant requests and other bodies including the council committees and boards and commissions. Part of the feedback we are seeking in this area involves practices and cities that have either moved away from or is done informally. In the case of our informal practices, we are seeking feedback on whether these practices should be formalized in our council rules.

I will say for these informal practices, formalizing them helps because when someone has a question about why is that rule in place, we point to council rules and explain that's why for example only Scottsdale residents speak on non agendized public comment. We'll get to some examples but I wanted to start there. So for the meeting section, the rules we'd like council feedback on, rules 5.3 can which involves when meetings can be held, and rule 5.6 which involves work study sessions. For rule 5.3, this involves when council meetings will be held. And as you can see in the highlighted text, the rules note that regular council meetings shall be held twice a month at 5:00 p.m. on the first and third Tuesdays of the month. For a variety of reasons including conferences, holidays, summer and winter breaks, we just don't follow those practices anymore. And we're here tonight, it's Thursday. It's the council meeting.

And the language in the city's charter which is article 2 section 11 is actually broad and indicates that the council shall meet at such times as prescribed by its rules but not less than twice a month. So the charter language is extremely broad. It doesn't say even Tuesdays, it just says twice a month. So when we're seeking feedback is whether we should keep the rule as is, or probably modify it to say maybe twice a month on Tuesdays or 5:00 p.m. on Tuesdays or twice a month at 5:00 p.m. on Tuesdays as feasible. This is a perfect week when it would not be feasible. Or twice a month with no specific time or date mentioned or some combination or other modifications of this rule. And I'll go back to the rule.

Mayor Ortega: Councilwoman Littlefield and Janik.

Councilmember Whitehead: Twice a month on Tuesdays at 5:00 p.m. as feasible.

[Time: 01:47:58]

Mayor Ortega: Thank you. Councilwoman Littlefield.

Councilwoman Littlefield: I'm sorry Tuesdays as what? I thought you said as usual. I agree, we need to have a specific date and time. Many of us have other things we do in the evenings and other open houses are planned and all kinds of activities both within and outside the city. So it's better for planning and being able to attend other activities and as I say a lot of open houses are in the evening and stuff

like that that we have a set date as feasible for council meetings. So I would agree with Councilwoman Whitehead.

Mayor Ortega: Councilwoman Janik.

Councilwoman Janik: I also agree Tuesdays at 5:00 p.m. as feasible.

Vice Mayor Durham: I don't think it's inappropriate to add the as feasible. I think it's fine as is but I certainly don't object to adding as feasible.

Mayor Ortega: Thank you, we have consensus.

City Clerk Lane: Thank you very much. So rule 5.6 involves work study sessions and as you know as we're in one right now, they're more informal meetings. As a highlighted text notes here, two areas we'd like feedback on relate to how the council provide feedback to staff and the total number of speakers for work study. Right now feedback to staff is provided through either informal means of a council member seeing if there's consensus among the council for staff to pursue certain option and also there is right now currently the ability to take a vote as well. Additionally public feedback is capped at five speakers total.

So just as a quick example last night in our work study session number two, we had three items. If we had more than five individuals who want to speak on those five items, we have to cap it at five. Oftentimes there are more than one item. I think the feedback we were seeking here is to allow for informal direction or a motion and vote by a council and five speakers total. Or if you'd like to modify the vote to say informal direction only basically what you all are doing right now or if you'd like to say a motion and vote only, it would be extremely clear. Or if you'd like to do something with a certain number of speakers per item. So any feedback in this area, we'd appreciate.

[Time: 01:50:55]

Mayor Ortega: Councilmember Milhaven.

Councilwoman Milhaven: I'm good as it is, thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilwoman Littlefield: I like the 15 minutes, but I would like it per item because sometimes we have 2 or 3 that are important to citizens and if all five speakers are on the first item then no one can speak on the other items. So I would like to say 15 minutes maximum of five speakers per item.

Mayor Ortega: Betty.

Councilmember Janik: That makes for awful long meetings and I don't think most of us are thinking straight after 3 or 4 hours. One comment I would make is if we have more than five speakers, limit them maybe to two minutes. It's a thought. Any comments on that? It would be then an additional ten minutes per item rather than 15 minutes. Consensus? You okay with that?

Councilmember Milhaven: If I could add, typically if we do a work study, we're going to come back at a formal meeting and take formal action, so when it comes back folks will have every opportunity to comment. So I see comment at work study as sort of a nod to public comment, but it's really a chance for us to discuss. People can watch it, they can send us emails, they can come visit with us. And when we take formal action they can come and then testify at that time. So I'm perfectly comfortable leaving it as five per work study.

City Clerk Lane: To your point, our current process right now is that if we did max out on the five speakers, we would offer the additional speakers a chance to provide a written comment and we would share that with the mayor and council.

Mayor Ortega: Councilmember Littlefield.

Councilwoman Littlefield: I'm fine as long as they have a chance to have their input heard.

Mayor Ortega: So let's leave it as it is.

[Time: 01:53:02]

City Clerk Lane: Very good. The next section relates to the agenda. There's two rules we would like council feedback on. Rule 6.11 which involves mayor and council items. And rule 6.12 which involves the polling of the council. So for rule 6.11, again the highlighted text is basically the current process for mayor and council items whether they're brought ahead of time or at the meeting that essentially the action council can take is to agendize it for a future meeting. Because of the open meeting law, really debate and discussion about the motion being asked or requested can't be discussed because the item is not especially when it's brought up at the meeting, it's not agendized.

So some options for the council to consider is that we could keep the rule as is or possibly modify the rule. If it was agendized ahead of time, it would allow for some limited debate. It was agendized prior to the meeting, the clerk would need a certain amount of time, like two business days for example, just to make sure that we could get the agenda amended and posted and meet the Open Meeting Law.

Another possibility would be to allow for other options to be brought into the process. And this would be more similar to the citizen petition process where rather than just agendizing it for a future meeting, the council could ask the applicable charter officer to write a report or they could take no action on the mayor and council item. Now I will say taking no action, that's an option you have now and you're actually all did that recently on a mayor and council item. This would just be formalizing that that's an option to the council. So these are just some ideas we had related to some modifications on this area and any feedback would be appreciated.

Mayor Ortega: Councilwoman Milhaven.

Councilwoman Milhaven: I think it's a great idea to do both of the first two points. And the person suggesting it might also submit something as part of the agenda as to what they imagine the

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conversation would entail or why they think it's a good idea. So I would certainly support those first two suggestions.

Mayor Ortega: Councilwoman Caputi.

Councilwoman Caputi: Agree. It's good to have a little bit of a head's up. I'm sitting on the dais and an item is presented and I don't have even two seconds to think about it. I feel like that's not comfortable. I definitely like a few moments to think about something before I vote on it.

Mayor Ortega: Councilwoman Whitehead and Littlefield.

Councilwoman Whitehead: I'm good with that.

Councilwoman Littlefield: Agree.

Mayor Ortega: Just referring to an hour ago when I brought a mayor and council item, it would have been nice for the charter officer to give us a little report on it rather than having it agendized. Thank you very much. Go on.

City Clerk Lane: Thank you all. Rule 6.12, this is the city's polling of the council rule. As you all know, this is done by the clerk at the request of one or more council members. Normally a council member will ask the clerk to poll the council to see if an item can be added to a future agenda. Just for clarification purposes, the clerk cannot poll the council on an item already on the agenda for example to see if the council would be okay with continuing an item as this is a vote that needs to happen in an open public meeting. So really this rule is in place to add an item to a future agenda and we're just seeking feedback on this rule to see if the council would like to modify it in any way or keep it as is.

[Time: 01:57:27]

Mayor Ortega: Councilmember Milhaven.

Councilwoman Milhaven: Could it be modified to add or to remove an item from the agenda?

Mayor Ortega: Go ahead.

City Attorney Scott: Just to clarify, are you suggesting to remove an agenda item put on the agenda through a polling?

Councilmember Milhaven: No.

City Attorney Scott: Any item on the agenda?

Councilmember Milhaven: Or both.

City Attorney Scott: There's some items we really have to move forward like an applicant item. We have timing issues and regulatory bill of rights issues. So I don't think that council can have carte blanche

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decisions to remove every item. You could certainly remove an item that the council had instructed to be put on the agenda in some way. Ben, do you have any other comments on that?

City Clerk Lane: I think this is my two cents, but normally when an item is on the agenda, to me at least it needs to be acted on at the meeting once it's already on there.

Councilmember Milhaven: I'd like for us to vote to take something off that we put on.

Mayor Ortega: I don't think I would support that. I think removing something off is something that needs to be done in the forum and even in the case where there may be an appeal and something may happen where something a motion may not be made or whatever that's on the agenda, at least it's heard. That's my opinion. Councilwoman Whitehead and councilwoman Janik.

[Time: 01:59:35]

Councilwoman Whitehead: I agree, I think it gets a little squirrely when we pull things off. Just be careful about saying yes or no when Ben calls.

Councilmember Milhaven: Okay, I withdraw.

Councilmember Janik: I also agree with the mayor and Councilwoman Whitehead, it gets too political when you try to take something off. What's on is on. My vote is keep as is.

Mayor Ortega: Councilwoman Littlefield.

Councilwoman Littlefield: I agree.

Mayor Ortega: We have consensus on that. I want to add one little statement. When there is a polling done, there's a lot of burden on the clerk and you might want to mention that. Whatever request you're going to say somebody is polling is this and without being committal whether it's going to be added on, I just, can you explain that a little bit just so that we know we're not putting you in an awkward position and somehow having an extraneous vote when it's just putting a matter on there not whether we agree or disagree with it.

City Clerk Lane: Thank you, Mayor. With the polling, I have to be very careful not to violate the Open Meeting Law. So I have to take each of your answers individually, and I cannot share answers. I cannot tell you who I have already contacted and have not contacted. I can't do that because again being very careful not to violate the Open Meeting Law. And I have to be very careful to present the item factually as was presented to me by the councilmember who asked me to poll the council. So I can't provide a personal opinion on the item or anything like that or I can't provide you more background than the language that was provided to me.

Mayor Ortega: Thank you.

City Clerk Lane: Thank you very much. Our next section is public comment. There are two rules we'd like council feedback on. Rule 7.1 which involves open, non agendized public comment. And rule 7.3 which

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involves the types of agenda items that are eligible for public comment. So with rule 7.1, again this is basically the open call to the public. One thing I wanted to clarify that was brought up earlier I believe during the public comment period for this is that there's actually a separate public comment for items on the consent agenda, on the regular agenda and on mayor and council items and that's on rule 7.3. Rule 7.1 is only dealing with open, non agendized public comment. It's the rules we make at the beginning of the meeting, the five speakers for three minutes each. And at the end of the meeting, the five speakers for three minutes each. This is one of those rules that the practice of the clerk's office has been to limit it to Scottsdale residents. We list it that way on our agenda.

It's that way on our website, but it's not that way in the rule. And the reason why and this was provided to me by the past city clerk, is that there has been times in the city's history where all ten of the slots would be filled up by non Scottsdale residents talking about very specific issues. I'll just say it, 5G for example, I think some of you may remember that discussion. I know I shouldn't have said it, I'm sorry. All ten of the slots were filled up by speakers outside of the city, outside of the state. And it did not allow an opportunity for Scottsdale residents to comment during open public comment. So some possible modifications to this rule that we'd like your feedback on is limit it to Scottsdale residents only or possibly an individual who has either a property or a business in Scottsdale.

And then I'll get to the others in just a minute. One thing I want to say here is much like work study sessions for open public comment and individual if we fill up all ten slots or we have certain rules for example that they have to be a Scottsdale resident, someone who doesn't meet those qualifications can always provide a written public comment that will be shared with the council. Some other things that we think are very essential to add is just to put in there, I know the mayor says in this his script, but to put in the rule that it has to be on a matter within the city's jurisdiction and the other thing is to clarify that electioneering is allowed during open public comment.

Just very briefly I think as you all know, electioneering is trying to persuade someone to vote a certain way. There are state laws that prohibit the use of city resources to do that. Obviously this building is a city resource, our television station which these meetings are broadcast are a city resource. So to avoid violating that state law, we highly recommend putting in there that no electioneering is allowed. So any feedback on any of these options would be appreciated.

[Time: 02:05:32]

Mayor Ortega: Vice Mayor Durham and councilwoman Caputi.

Vice Mayor Durham: I would agree on items 2, 3, 4, and 5. All of them except the first. But my other concern with this section was that the school district has recently been sued by the attorney general regarding abuse of the public comment rules. And I thought it would be good to clarify some of the rules that are supposed to be followed which were not followed in the school district, but which we should be and I can't remember all of them, but some of them were no interruptions. And we never do that. But if it could be a good idea to make it clearer that there are no interruptions on speakers. And I think there's supposed to be no commentary during the public section. So there were a couple of issues that came up and I thought it would be good to look at that and make sure that those rules and protections were put in here so that all of us would know what's allowed and not allowed in the public comment section. Thank you.

Mayor Ortega: Councilwoman Caputi.

Councilwoman Caputi: I think anyone who has skin in the game in Scottsdale should be allowed to speak. So resident or business owner or property owner, anyone who has a connection to our city, should be allowed to speak. And I totally agree with making it very clear like the mayor did tonight that it should be a matter that it's within our jurisdiction. I mean tonight was the most perfect example of that. We had a speaker that spoke on something that was not related at all to anything we do on council. And I just think that that is very important to put into our rules. It happens a lot in other jurisdictions. I even had a conversation with the city clerk about this where people will show up for public comment and speak about something that has nothing to do with anything we do. And I just don't think it's a great idea. So I like including that into our rules. Thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilwoman Littlefield: I agree with Councilwoman Caputi.

Mayor Ortega: Thank you, I think we've got consensus. Moving on.

[Time: 02:08:13]

City Clerk Lane: So rule 7.3 is again this is the other public comment and this applies to our consent regular and mayor and council items. The mayor and council text is highlighted for the following reason is we'd like to keep the rule as is, but to clarify that public comment is not allowed on mayor and council items simply because mayor and council item will be brought back at a later time for the public to comment on if it's agenda'd at a future meeting or even if a report is made and the council wants to discuss that report, there will be another time for the public to comment. So we'd like to keep the rule as is but clarify that if everyone is okay with it. So essentially it would be removing the highlighted text.

Councilmembers: Yes.

City Clerk Lane: Thank you very much.

Mayor Ortega: You may clarify on that previous slide where it says citizens it should say speakers. Instead of citizens, I want it to say speakers will be given three minutes. Okay. And in my demeanor I tend not to limit, I just say you have three minutes or less. And we've worked pretty well with even large crowds. Councilwoman Milhaven.

Councilwoman Milhaven: There have been times I'm sorry to say when 90 people show up so we might want to say limit it to two minutes. So say maybe given up to three minutes and you can grant additional time. You may not want to do it, but it may give somebody the prerogative to say we're going to limit comments to 1 or 2 minutes.

Mayor Ortega: Thank you. In the old days, we went until 1:00 in the morning. And I was there. So yeah, people were given their due time. Thank you. Next.

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City Clerk Lane: Next, Section 9 involves applicant requests. We'll be discussing two rules. 9.1 involves the order of the application presentations and time limits. And then 9.2 involves the applicant request for continuance. And with 9.1 this is the order, this is the current order of the presentation. As you all know it's the staff presentation then the applicant presentation and then currently we have it in there council questions of staff. Then we move on to public comment and then we get the applicant response to the public comment and then the staff's response that is needed and then the council motion and then a council vote.

And you see the time limits there. The staff presentation has no time limit. The applicant presentation is up to ten minutes. The public comment is three minutes per speaker. And then the applicant response and the staff response are both five minutes. So in this rule and I'll go back to it in a minute, but we were just seeing if there were any changes the council wanted to make related to the order of the presentation or to changes to any of the time limits or any other feedback you all might have.

[Time: 02:11:45]

Mayor Ortega: Councilwoman Whitehead.

Councilwoman Whitehead: I like it as is.

Councilmember Littlefield: Agreed.

Councilmember Janik: Yeah.

Mayor Ortega: I'm more attuned to having public comment right after the applicant and they're called forward. What was happening is we also had remote callers and I didn't want to lose them and I didn't want to having them in public comment directly after the presentation if questions are raised by whether they're wrong or right by the public, then we can also have our questions right after that.

Councilmember Milhaven: I'm okay with that.

Mayor Ortega: That's the way I've been running it and I prefer to do it.

Councilmember Janik: That's fine.

Mayor Ortega: Thank you.

City Clerk Lane: Thank you all very much. The next rule involves, it's 9.2 and involves the applicant's request for a continuance. As you all know, they have this continuance basically as a matter of right. And there is no discussion on the continuance. There is no public comment on the continuance. The feedback we're seeking here is whether to keep this rule as is or possibly modify the rule. Right now as you all know, the applicant, if they make the request for the continuance ahead of time and we can get it agendaized, we do amend the agenda and we do include that request for continuance as basically the first item or the first page of the item. Whether it's an email or letter, we include that to provide notice to the public that they are requesting that continuance. But they can also request a continuance an hour before the meeting or at the meeting.

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So we're wondering if you wanted to modify the rule to require the applicant to write some type of notification of the continuance request by a certain date prior to the meeting so the agenda can be amended. Again if the council wants to move in this direction, I would probably recommend two business days to allow us time to amend the agenda, get it posted properly and meet all of the open meeting law requirements. Or if you wanted to add something about basically that the, it would just be an automatic continuance to a date certain, so for example the next meeting within the next 30 days or no more than two council meetings from the date that continuance is requested. So any feedback here would be appreciated.

Mayor Ortega: Vice Mayor Durham.

Vice Mayor Durham: Thank you, Mayor. I was going back to 9.1 which I may have missed coming in late. I'm not sure if you were discussing this or not, one thing that gets a little frustrating to me is that right now we usually have staff presentation and then the applicant presentation and then questions. And often I find myself wanting to ask questions of the staff while the subject is fresh on my mind. So I would prefer having a staff presentation and then questions from the staff. And then the applicant presentation and then questions of the applicant.

Mayor Ortega: Thank you, I think we have consensus. If you write it down, then we'll remember. No, I'm just kidding. Councilwoman Littlefield, Councilwoman Janik. I'm sorry, did you have anything else on 9.2 of the continuance?

Vice Mayor Durham: One thing, it's not clear to me whether these same rules apply to boards and commissions because when I was the chairman of the BRB, they don't automatically grant continuances, they make a motion and then vote and normally everyone votes for their first continuance. But the request for the first continuance is treated differently.

City Attorney Scott: Mayor and council, Vice Mayor Durham, I think this is the only rule like this for the city council. I can't recall that there is a rule like this for planning commission or DRB. I haven't read their rules in a few years. By the time they get to the city council, it's their last stop. And they can get crunched for time when there's a lot going on and a lot of feedback that they're hearing. So the council enacted this rule. I believe it was in the first round of rules in 2011. So it's not in any other rules that I'm aware of.

[Time: 02:17:07]

Vice Mayor Durham: Thank you.

Mayor Ortega: Councilwoman Littlefield, Councilwoman Janik.

Councilwoman Littlefield: Thank you, Mayor. I would like to add to this rule that the applicants will be granted one request of continuance, but that that continuance has to be given enough time to get posted and the agenda changed so that the public will know that it's been continued and not trot down here as they have sometimes in the past merely to find that the item they're concerned about isn't being heard. So I think that an adequate amount of time, whatever you think that is, 2 to 3 days at least I

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would think to get it posted so that people who are interested in whatever that item is can know that it's been continued before they use the gasoline which is becoming a bigger and bigger expense these days. Thank you.

Mayor Ortega: Councilwoman Janik then Whitehead.

Councilwoman Janik: I was going to say the same thing. It's not okay for citizens to come down, they're already upset about an issue, that's why they're here and then it's been canceled at the last minute. I just think it's polite and good service to post it at a time interval that you think is appropriate.

Mayor Ortega: Councilwoman Whitehead and Caputi.

Councilwoman Whitehead: Agreed, two days.

Councilwoman Caputi: I think people come when they're happy, not just upset. It would be a good idea to give people notice. We would strive for that, but it doesn't always happen. And as we all know up here, sometimes these things happen at the last minute. There's so many moving parts, I think again our goal isn't to sort of force people into a gotcha, I think yes, of course we want to be sensitive to the fact that sometimes every once in a while people will drive down and oh my gosh we're continuing it, so sorry. But I think that we've discussed risk/reward. To me I would rather not force a project that's not quite ready and give people other opportunities to speak. I don't know, it feels weird to me to force it.

[Time: 02:19:29]

City Clerk Lane: Councilwoman Caputi, to your point, I think if the council enacted this rule about a requirement, it doesn't foreclose the possibility of a continuance. You could still grant it. It would just, it would allow the public that's here to comment on the request for continuance. Because I think from what I've heard from the public, that's a frustration right now is that, and don't get me wrong it's a good rule that you have in place about not getting public comment for an item that's automatically or a request that's automatically going to be granted. So I think that would be the main difference. Is that you could still grant the continuance, just the public would have the ability to --

Councilmember Caputi: You mean allow people to comment on whether it's continued or not but not actually comment on the specific case? That I'm okay with.

City Clerk Lane: I want to make sure Sherry agrees to this but I can explain a little bit more.

City Attorney Scott: So I think if this type of amendment were included in the rules, the applicant would still have the ability to request a continuance if they didn't make that time, but it would not be a continuance by right. They would have to get approval from the council. And then you could take public comment on that. That can really extend the meeting. We had one case where I can remember where it wasn't a continuance by right because that had already been used up. We spent quite a bit of time on the continuance and then we went to the case itself. But I also understand the frustration that the public has if they've come down and from staff's point of view it can be difficult for us because the council is saying why are you making us do this, it's mad, why can't it just be automatic.

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If they don't make that time period and we don't get to amend the agenda under the Open Meeting Law, we can't really just make it automatic. And in order to keep them from having to start over and all of their public noticing which is quite expensive, we need a motion to a date certain. So we're trying to figure out some potential solutions to that problem. We can keep the rule as is obviously. We can build in the continuance by right with a certain deadline. We can try to build in an automatic continue to a certain date which may help us with some of the noticing issues. But it's not perfect.

Councilmember Caputi: I agree. I guess I have to think more.

Mayor Ortega: Councilwoman Milhaven.

Councilwoman Milhaven: So if we say two days and meetings are on Tuesday, that would be close of business on Friday.

City Clerk Lane I would request it be two business days.

Councilmember Milhaven: So then that would be by close of business --

City Clerk Lane: Thursday.

Councilmember Milhaven: Thursday. Okay. I'm fine with that. So that's by right you just need to let us know two business days before. And then in terms of to a date certain, we need to be flexible there. Because most meetings are two weeks apart so it will always be typically two weeks. I think we should be flexible.

[Time: 02:23:05]

Mayor Ortega: Great, I think we're okay with that one proceeding. It says consensus. Just another clarification to the clerk. So when there is a request for a continuance for whatever matter, I will call on the clerk to check our schedule. I say that because sometimes it goes right to planning and it's actually going to have to be modified or reviewed by the clerk. So I will call on you to see how that would work. Thank you.

City Clerk Lane: Thank you, Mayor. Our next section is council committees. Only one rule to review in this section. It's 5.9. And this is a report that's generated by the mayor's office on a biannual basis. It's about the external memberships and committees that each council participates in or serves on in his or her official capacity. We're recommending to possibly remove this rule. There are other reports for example your annual financial disclosure statement or possibly the conflicts of interest forms you file with us that would show outside commitments you all have. So this is a little bit duplicative of other efforts made by the city. So we were recommending this rule be removed. But we appreciate any feedback.

Mayor Ortega: Councilmember Milhaven.

Councilwoman Milhaven: The reason I like this rule is because we're representing the city in a official capacity. It's not about that you went to the meeting, but how are you representing the city at this

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meeting. So I see it more as a policy discussion of sharing what are you doing, how are you representing us. So I like this although I think we've gotten this one since the rule went into place.

Mayor Ortega: Okay, other discussion. Typically again I'm just saying council committees, if it's external, I have legislative input, we have director from water and there's quite a bit of dialogue and prep on that. And obviously there's well a report we can crank out. Sometimes the reports are on a half year on when the appointments may be, so we'll do the best we can. And when I volunteer you, I'm just kidding, I'm getting giddy. Okay, here we go.

City Clerk Lane: Very good. So we'll keep that rule as is. Very good. Thank you. Okay, the last section of your rules involves boards and commissions. In this section, there is one rule to look at. And then two possible new rules to consider. The first rule is basically the mayor or designated council member serving as a non-voting ex-officio member of all boards and commissions. I know you all are familiar with this rule. Essentially we just want to get your feedback on whether to keep the rule as is where the mayor or again the designated council member could serve on any board and commission as an ex-officio member to modify the rule or remove it. Thank you, any feedback would be appreciated.

[Time: 02:27:02]

Mayor Ortega: I will open comment. I have attended at least seven different committees or commissions, and from my experience for instance where I heard Sonia make a financial report to the whole group, it was very useful to see what kind of dialogue was going on there. Also transportation and parks and rec, I sat through a DR board meeting. So I take it pretty seriously. And typically again, I may be upstairs watching it on TV, but I'm usually here and available for that purpose. The acknowledgment is usually very positive. Councilwoman Caputi.

Councilwoman Caputi: I have very strong feelings on this rule. I think it defeats the purpose for any of us really, especially the mayor, to sit on some group that we are appointing to give us advice. And I know that I've spoken with members of several of the boards who feel uncomfortable when especially the mayor is sitting because it changes the dynamic and then the decision making is interrupted. And so again we are relying on the boards and commissions to give us their expertise and their opinion and it disrupts, it absolutely disrupts the feeling on the boards and commissions. I think we can certainly be involved in what's going on and I think all of us watch the boards and commissions. I know I dial in and listen online to a lot of them. If I have the desire to watch, we could watch any of them in any capacity.

We can even as citizens make comments, right. Or we can dialogue with any of our board or commission members at any time or the applicants if we had something we wanted to say. But actually sitting on the dais I think changes the dynamic and maybe you're not hearing the complaints because you're the mayor and people get intimidated. But I hear them and I think it makes people very uncomfortable. So I just don't know why we have that rule and in addition I know our assistant city manager gave us kind of the history of this and I think the voters were fairly clear that they weren't comfortable with it either. I just don't know what the benefit is to having us actually on the dais. But obviously I'd be happy to hear what other people have to say.

Mayor Ortega: Okay, well I will say that the tourist and tourism group are very happy to have the mayor representing them, representing the city. Take ten minutes to greet them or be cordial and thank them

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for their service. So that's really what the discussion is or has been. And I feel that I take it seriously when it says shall be there and I don't attend every one. But I think it's good to know what the temperature is of the issues directly and frankly you're right, if there's any other participation by any other council member that wants to sit there or ask to be ex-officio, they could ask. But I take it pretty seriously. Councilwoman Milhaven.

Councilwoman Milhaven: I think it's great that you go to commission meetings and thank people for their service and that's your prerogative. But I think the difference is actually engaging in the agenda item discussion. Because this was originally in the charter and the citizens voted to take it out, I think our rules of procedure need to be consistent with the charter. So I would support removing this. Thank you.

Mayor Ortega: Just for history, I don't know that it was voted out. I don't know if it was on the questions. So there's a difference between whether or not it was in the charter or excluded or discussed at some point. So the citizens did not vote anything out of the charter or in the charter. It's handled with our own rules and I see no reason for that to be eliminated other than, I see no reason that's been useful and I'll stand on that by my practice. You still have your light on, Ms. Caputi. Did you still have something to say there? Milhaven, your light went off.

[Time: 02:35:57]

Councilwoman Caputi: I definitely want to keep talking about this. Again the assistant city manager sent us some issues in terms of there being, there's quorum issues too. I know Brent brought this up about whether there's a certain number of people who are on the dais but some of them can't vote and then you run into a situation where there's awkwardness with a quorum. Again I just think it's messy. I don't understand why one of us would need to actually be on the dais participating in a meeting. It's not about greeting the members of the boards and the commissions, I think that's lovely. It's about actually sitting on and changing the decisions, which again it defeats the purpose. The boards and commissions are appointed by us to give us advice.

We can always come in after the fact and the mayor has done this and said that I don't like this decision, I want to bring it to the council. We always have that prerogative. But sitting on the actual dais with the board and the commission, I just, I'm not a fan of that. I don't think it's a good idea. I don't think it makes the best decisions for the city.

Mayor Ortega: So thank you, you're done? Who was at the end of it? I'm sorry? Just for now. I'm just trying to clarify whether I can go to the next person. Did you say thank you or all for now, that's helpful. Councilwoman Janik and then Milhaven.

Councilwoman Janik: I think it's wonderful that you attend the meetings, I think it's wonderful that you thank people. But I think it's out of respect for the people who have volunteered their time to serve on the boards, I think it's better if you don't offer an opinion for or against an agenda item. You do have the ability as Tammy said after the fact to appeal it, to bring it to us. But again I think out of respect for those people who have volunteered, I think it's best if again you say thank you we appreciate it. But I don't think it's appropriate that you offer an opinion. That's my personal opinion. Thank you.

Mayor Ortega: Councilmember Milhaven.

Councilwoman Milhaven: I see assistant city manager here, he was the one who sent us the history of this item. Maybe you could clarify whether or not this was included in a voter-approved charter amendment.

[Time: 02:34:40]

Asst. City Manager Stockwell: Mayor, members of city council, in the March 13, 2012, election the language related to the mayor and city manager being ex-officio members in article 5 Section 2 was proposed for deletion from Section 3. It had Section 2 mayor and city manager ex-officio membership stricken through. It was approved and that question passed almost 77% to 23%.

Councilwoman Milhaven: Thank you, I think our procedure should mirror the charter changes. Thank you.

Mayor Ortega: While you're up there, was that the only question of all of the rules. Is that the only question of a charter?

Asst. City Manager Stockwell: No, there were other questions.

Mayor Ortega: There was extensive other items in there, right? Vice Mayor Durham.

Vice Mayor Durham: Thank you, mayor. I think I agree with what Councilmember Janik said. I think it's good for you to attend meetings and be involved in the meeting and even participate in the extent of asking questions, kind of raising points. But out of deference to the volunteers who have agreed to serve, many of them have been appointed for their expertise and you obviously have expertise of your own, I think it would be better if you tried to limit yourself to asking questions and not, and I don't know how it is you work in the meetings. But I think it would probably be best if your role were more limited to asking questions rather than necessarily driving or directing the results. And I don't know exactly how you work on the commissions. Maybe that's the way it is already.

Mayor Ortega: Interesting. And I think I can respond to that.

Vice Mayor Durham: Sure.

Mayor Ortega: On one hand First Amendment freedom of speech. I could go as a public commentator. And I believe and that's fine, the limiting my questions or whether I put a question or not is probably not the angle you want, you mentioned that, but that's not appropriate to limit my freedom of speech if I were making a public comment. Secondly the question of weighing in, if that is coming to this point for removal of this, again I took it seriously that I had, it said shall serve as. And I said that directly, I'm not voting on this. And I am an ex-officio, I could stand in the corner but I wouldn't.

And frankly in that particular DR board case they voted 6-1 and it didn't deter them from however they decided a vote. I didn't intimidate anybody. I had to bring up another point but it came to council and of course it was taken care of. So it's an interesting thing that with one mayor it's acceptable for 11 years

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and with another it's not. I can understand again I have been welcomed very openly and freely and at the time Ms. Milhaven was the chair and I believe I just spoke in very complimentary terms, et cetera, et cetera. So Councilwoman Caputi, what do you have?

Councilwoman Caputi: That's a good example because when he passed off his time to you because he's deferring to the mayor. And again it changes the feeling of the boards and commissions. And I'm agreeing with the other comments. We have valued and respected board and commission members and we're trying to trust their decisions. Again everyone welcomes your opinions, but sitting on the dais with the boards and commissions changes how the board and commission members feel. It changes how they vote. Asking questions, doing those things as if you were a board and commission member, I don't think it's appropriate. I would like there to not be an ex-officio position. And it's not just you. If any one of us were mayor, I would feel the exact same way. I just don't think it's appropriate.

Of course I would prefer that this rule goes on into infinity, but nobody should ever be the mayor and also a member of the board and commission. Again it feels like it's a cross purpose. It doesn't serve the purpose. If your purpose of sitting up on the dais is to get your opinion across, there's a thousand other ways for you to do that. We're not stopping that from happening. That's what I'm trying to say, so what's the advantage of actually sitting as a member on the dais?

[Time: 02:40:09]

Mayor Ortega: It's an ex-officio member and that was clear. There were three empty seats at that time. But I take what you say. Whatever consensus, if you want to remove that. I still feel very free to, until the rules are changed, to weigh in and again I got very valuable information by being there in person. And so that's a useful thing. Okay, thank you. Councilwoman Whitehead and then we'll move on.

Councilwoman Whitehead: I was going to say I think it's great how involved you were and you go to all of those meetings. I had that goal, but I haven't succeeded. But I think everything should be consistent with the city charter. I think that's where the consensus is anyway.

Mayor Ortega: Well thank you. Again I made it a goal to go to all of them. I said I've got 7 or eight left. And it appears we have consensus. Next item.

City Clerk Lane: Thank you, mayor. So this would be a possible new rule. It relates to the appointment process for board and commission members. So right now our current rule, 11.4 notates the appointment process, however the following components aren't memorialized in a single resolution or ordinance, the nomination process, the interview process, and also the voting guidelines in case of a tie vote. They're either in separate ordinances or resolutions or in the case of a voting guideline in a tie vote, I think it's based on past practice. What we're recommending here is to possibly adopt basically the entire nomination and appointment process in either the council rules or the code or a resolution and if you all are okay with that approach, we'd appreciate any modifications to that.

Mayor Ortega: Councilwoman Milhaven.

Councilwoman Milhaven: I vote putting it in council rules.

Vice Mayor Durham: I agree.

Councilmember Janik: I do as well.

Councilmember Littlefield: I agree.

Mayor Ortega: Consensus. Rule 16.4.

City Clerk Lane: This is a proposed new rule. This is something that came up in several of our individual meetings with you all. Basically I'm not going to read this whole thing because it's getting late. But basically this rule would mirror the rule you already have related to electronic communication devices and the prohibition of using those devices from the dais. It really mirrors the existing rule that we have in place.

[Time: 02:43:12]

However rather than adding this to the council rules, what we would recommend is because this really applies to boards and commissions and it's not a council rule, we would recommend putting this in the board and commission ordinance, assistant city manager and I are going to meet this summer to talk about some proposed changes or possible changes to the board and commission ordinance and with the council's consensus tonight, we could add this as one of our items that essentially the rule that applies to you all related to that charter communication from the dais we would also apply to boards and commissions with your okay.

Mayor Ortega: Councilmember Milhaven, Caputi, and Littlefield.

Councilwoman Milhaven: Yes, please and thank you.

Councilwoman Caputi: 100%. I was instrumental in making sure this happened. Sitting on a board and commission, it comes up a lot with texting from the dais. I just think it's a really bad practice in terms of violating open meeting law and causing all sorts of discomfort for the city. Yes, yes, yes.

Mayor Ortega: Councilwoman Littlefield and Janik.

Councilwoman Littlefield: I had a question about the wording. I agree with the concept. But on the possible new rule, 16.4 proposed text, the last sentence during executive sessions no person present shall use any electronic device that is capable of sending, receiving email text or other form of electronic communication to any person inside or outside. We all use iPads they're all capable of using email. I think you need to reword that a little bit. Can I use it to send or receive or something like that emails from outside because otherwise we can't bring our iPads up here.

City Attorney Scott: That's a good point, thank you.

Mayor Ortega: Councilwoman Janik.

Councilwoman Janik: I agree with what Councilwoman Littlefield said although in general I think it's a good rule. Even though I have my cell phone. My problem is in order to open my iPad, I have to get the text to my phone but I'll figure it out. Thanks.

Mayor Ortega: I'm agreeing and Councilman Durham, you're okay with that?

Vice Mayor Durham: Yes.

Mayor Ortega: The practice is in the onboarding of commissioners. We talked about all of the other necessities, attendance, and conflicts of interest. All of that is -- thank you very much. Next step. Do we have a next step?

[Time: 02:46:05]

City Clerk Lane: So these are getting towards the end of my portion of the presentation. These are just some proposed additions. Certain cities and towns have it basically as an item on every agenda that basically the mayor and council can go into executive session for any item on the agenda. We do have I believe an ethics rule, Sherry, that we would limit.

City Attorney Scott: We have a rule that council will limit the executive session as much as possible and only move into executive session. I believe the wording is under clear or convincing circumstances, or wording similar to that. That wouldn't prevent us from putting a possible executive session on every agenda for any of the items. It would still constrict the council that you should only move in if you really, really need to. It's not something the city wants to do all the time or overly freely unless you wish or desire to change your ethics code. I still think something like this would be okay if it would be useful to the city council.

Mayor Ortega: Yes. Thank you very much. Excuse me, Vice Mayor Durham.

Vice Mayor Durham: Thank you, Mayor. Would that rule allow you to suggest that it was possibly appropriate to move to executive session if you see that we're beginning to discuss sensitive legal material or something else?

City Attorney Scott: Certainly if I received a question asking for a legal opinion in the public meeting, I would probably give you a very general answer and suggest that if you wanted a more detailed answer, we could potentially recess into executive session to receive further legal advice on that point. Of course the council would have to make a motion and approve the motion to move into executive session. The awkwardness is then that the public is here waiting for the council to reconvene the public portion of the meeting. So as long as we're quick about it, I suppose it won't be too problematic. We used to do that more regularly in Scottsdale.

I'm sure some of you remember that. And there became a concern that it wasn't very transparent that we were moving into executive session and having closed meetings too frequently and there were some opinions about that. That's how we ended up with the ethics code that we have that really discourages executive sessions. And so that's the history behind that. I'm not offering an opinion one way or the other. We try to think ahead and when we know that there's an item where we may really need to

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excuse ourselves into an executive session for legal advice we try to put that on the agenda, but we're very judicious about it. So if the council wants more flexibility, I've heard that word a few times tonight, it's good to have on the agenda because by the time you start thinking about it, it's too late to put it on the agenda, right, sometimes.

Vice Mayor Durham: I think we certainly don't want to overuse that. But if it could be written in such a way that it would allow you to make the suggestion if you see that we're moving in a direction which is not good and would require the executive session, I think that flexibility would be a good idea. Thank you.

[Time: 02:50:17]

Mayor Ortega: I like this proposed additions. I think actually I'm pretty touchy about legal matters and when comments are made from the dais that might be speculative. Sometimes we hear that from the public or you know, but it is very important that we be judicious and also as you modify the rule or look at the rule perhaps you might have a comment that would say maybe the presiding or the chair may need to acknowledge a point by the attorney or whatever saying perhaps we should go and then I can bring that up as a motion. Then we could in some way expedite that so you're not calling, but basically the presiding has to do that. Think about that, how it could work.

City Clerk Lane: Another possible addition was a rule limiting possible additions from the dais to amendments on ordinances. Again if there was substantive changes recommended by the council on ordinance is to possibly either allow the ability to go into executive session to get legal advice on that matter or possibly just continue that item to a future meeting to allow the staff time to do the necessary research and reword the ordinance as needed to make sure everything is done correctly. Just to clarify would you like either option?

Councilmembers: Yes.

City Clerk Lane: Okay, this is my last one. This falls under the category of something that we're doing from a practical perspective, but isn't in our roles. And essentially right now the clerk's practice is once public comment begins, so once the mayor says do we have public comment, if someone showed up to sign up for public comment, we would say I'm sorry it's too late, public comment has begun on this item. That's our practice, we don't have it memorialized in a rule. And we'd like your feedback on it whether you'd like to adopt it or possibly modify it or just not have it at all and basically we would allow public comment until public comment concludes.

Mayor Ortega: Councilmember Milhaven.

Councilwoman Milhaven: The last, I think we should leave it open.

Councilmember Littlefield: Agreed.

Mayor Ortega: We get direct notification digitally from you. Thanks for doing a super job on that. Next steps.

City Clerk Lane: Thank you. Mayor, this concludes our presentation. Thank you all so much for the feedback. And I realize my talking is keeping you from your vacations so I'll be done. But we plan to bring back revised rules of procedures to you some time in the fall. The city attorney will have a look at it over the summer. Thank you all very much, this was very helpful.

Councilmembers: Thank you, both of you. Have a great summer. Mayor, are we adjourned?

Mayor Ortega: I need a motion to adjourn. Please record your vote. We are adjourned.