

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



## **\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA [ADDED ITEM NOS. A1, 13A AND 13B]**

### **COUNCIL**

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

**Tuesday, January 24, 2023**

*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov) (search "live stream"). Unless an exception is made, or unless otherwise noted, the Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (February 14, 2023).*

*In-person spoken public comment is being accepted on Items 1 through 13B. To sign up to speak on these items, please click [here](#).*

*In-Person spoken public comment is also being accepted on non-agendized items that are within the Council's jurisdiction. Scottsdale citizens, business owners, and/or property owners may speak on items that are within the Council's jurisdiction but are not on the agenda, with a total of 15 minutes at the beginning and 15 minutes at the end of the meeting dedicated to comment on non-agendized items. To sign up to speak in-person on a non-agendized item that is within the Council's jurisdiction, please click [here](#).*

*Requests for in-person public comment may be submitted online or at the City Council meeting. Registration for in-person public comment is available online by completing a Request to Speak form. In-Person Public Comment Request to Speak forms for Consent, Regular, and Non-Agendized items must be submitted online no later than 90 minutes before the start of the meeting. Additionally, in-person meeting attendees may submit a Request to Speak form utilizing the kiosk located in the foyer area of City Hall for each agenda item they wish to address. Forms must be submitted and received before the Mayor announces the agenda item.*

*Written public comment may be submitted in-person by completing a yellow written public comment card or electronically by completing a Written Public Comment form. Written public comment received during the meeting will be shared with the Council. Written comments that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting. A written public comment may be submitted electronically by clicking [here](#).*

**5:00 P.M.**

**MARKED AGENDA**

### **REGULAR CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

FOR ADDITIONAL INFORMATION VISIT: [WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION](http://WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION)

Tuesday, January 24, 2023

Page 2 of 8

**Call to Order – 5:25 P.M.**

**Roll Call – All present**

*One or more members of the Council may be attending the Council Meeting by telephone, video, or Internet conferencing, pursuant to A.R.S. §38-431(4).*

**Pledge of Allegiance – Councilmember Graham**

**Mayor's Report**

**Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they fight for their freedom and democracy.**

**Mayor Ortega announced that the event season is underway and invited everyone to attend the Barrett-Jackson Collector Car Auction being held at WestWorld.**

**Mayor Ortega invited everyone to enjoy the renovated Civic Center Campus. He noted the first phase was open for the public to enjoy the City's sculptures and art pieces.**

**Mayor Ortega said the Little Red School House will reopen on February 1, 2023. This wonderful museum is dedicated to Scottsdale's history and personalities who founded the City.**

**City Manager's Report**

- **[Old Town Alley Refresh and Recycling Program](#) – Public Works Department Director – Solid Waste Dave Bennett gave a PowerPoint presentation.**
- **[Hello Scottsdale – Mobile Engagement Update](#) – Community Involvement Manager Joy Racine gave a PowerPoint presentation.**

**Possible Executive Session**

Notice is hereby given that, at any time during tonight's meeting, the Council may make a motion to recess into Executive Session to discuss and consult with the attorneys and representatives of the public body to obtain legal advice on any applicable item on tonight's agenda. If authorized by a majority vote of the Council, the Executive Session will be held immediately after the vote and will not be open to the public. A.R.S. §38-431.03(A)(3). The public meeting will resume following the Executive Session.

**Public Comment – Heather Lynn asked for additional off-leash dog parks, including indoor sites, in the City. Alex McLaren urged flexibility with assisting Rio Verde Foothills residents concerning their water needs. Anthony Giaccone asked the City to consider legislation outlawing gas-powered leaf blowers. Gay Christensen-Dean read her original poem "The Legend of Four Peaks" about the Scottsdale area. Cody Reim reported that Rio Verde Foothills residents are working diligently on a solution to the water needs in their area and requested the City's assistance with this solution.**

Public Comment time is reserved for Scottsdale citizens, business owners, and/or property owners to comment on non-agendized items that are within the Council's jurisdiction. No official Council action can be taken on these items. Advocacy for or against a candidate or ballot measure during a Council meeting is not allowed pursuant to State law and is therefore not deemed to be within the Council's jurisdiction.

Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak [form](#) must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

## ADDED ITEMS

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

**– Councilwoman Whitehead made a motion to accept the agenda as presented. Vice Mayor Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Graham, Janik, Littlefield, and Whitehead voting in the affirmative.**

### \*\*\*A1. Added Items

Item Nos. 13A and 13B were added to the agenda on January 19, 2023 and require a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or continue Item No. 13A and/or Item No. 13B to the next scheduled Council meeting, which is February 14, 2023.

## MINUTES

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

- a. [Special Meeting Minutes of December 6, 2022](#)
- b. Executive Session Minutes of December 6, 2022
- c. [Regular Meeting and Work Study Session Minutes of December 6, 2022](#)
- d. [Special Meeting Minutes of December 7, 2022](#)
- e. [Regular Meeting Minutes of December 7, 2022](#)

**– Councilwoman Janik made a motion to approve the Special Meeting Minutes of December 6, 2022; Executive Session Minutes of December 6, 2022; Regular Meeting and Work Study Session Minutes of December 6, 2022; Special Meeting Minutes of December 7, 2022; and Regular Meeting Minutes of December 7, 2022. Councilwoman Littlefield seconded the motion, which carried 6/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, and Whitehead voting in the affirmative, and Councilmember Graham abstaining.**

## CONSENT AGENDA      ITEMS 1-13B

**How the Consent Agenda Works:** The Council may take one vote to act on all of the items on the Consent Agenda or may remove items for further discussion. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

**– Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 13B, except Item 9 [Scottsdale Museum of the West Financial Participation Agreement] which was removed from consideration at the request of the City Manager's Office, and Item 10 [Tourism & Events Strategic Plan], which was considered separately. Vice Mayor Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Graham, Janik, Littlefield, and Whitehead voting in the affirmative.**

### 1. [Charcuterie Liquor License \(93-LL-2022\)](#) – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.

**Location:** 7014 E. 1<sup>st</sup> Avenue

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

2. **Sunset Bistro Liquor License (94-LL-2022) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 8787 N. Scottsdale Road, Suite 228  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
3. **Tocaya Modern Mexican Liquor License (95-LL-2022) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 4712 N. Goldwater Boulevard, Suite 1210  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
4. **Paris Baguette Liquor License (96-LL-2022) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.  
**Location:** 16495 N. Scottsdale Road, Suite 5A-1 (AKA Suite 106)  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
5. **International Green Construction Code (IgCC) Implementation Text Amendment – Phase I (1142-PA-2022) – Approved on Consent.**  
**Request:** Initiate a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of amending Article III. Section 3.100. (Definitions), Article V. Sections 5.2600. (Planned Regional Center) and 5.5000. (Planned Unit Development), and any other applicable sections, to modify the provisions related to green building construction.  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
6. **On-Call Building Commissioning Engineering Services Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12723** authorizing the following on-call building commissioning engineering services contracts for an initial two-year term, in an amount not to exceed \$250,000:
  1. Contract No. 2023-011-COS with AGR Consulting, LLC
  2. Contract No. 2023-012-COS with GLHN Architects & Engineers, Inc.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
7. **Citywide Civil/Site Construction Project Job Order Contract Increase – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12726** authorizing Contract No. 2020-055-COS-A2 with Currier Construction, Inc., increasing the single job order limit from \$2 million to \$4.2 million, for citywide water treatment construction projects.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
8. **Trolley Operations Grant – Approved on Consent.**  
**Request:** Adopt **Resolution No. 12701** to authorize a Fiscal Year 2022/23 Budget Appropriation Transfer in the amount of \$25,100, from the Transportation Operating Budget to cost centers in the grant funds within the Transportation Operating Budget to record related trolley operations.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
9. **Scottsdale Museum of the West Financial Participation Agreement – Removed from consideration at the request of the City Manager’s Office.**  
**Request:** Adopt **Resolution No. 12712** to authorize:
  1. A payment in the amount of \$250,000, to the Scottsdale Museum of the West, Inc., for unanticipated expenses under Museum Management Agreement No. 2021-088-COS.
  2. A Fiscal Year 2022/23 Tourism Development Fund Operating Contingency Budget Transfer, in the amount of \$250,000, to the Tourism and Events Department Operating Budget to be allocated for activities consistent with Museum Management Agreement No. 2021-088-COS.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

10. **Tourism & Events Strategic Plan**

– **Tourism and Events Director Karen Churchard gave a PowerPoint presentation.**

– **Councilmembers made the following suggestions to staff:**

- **Provide resident feedback from Open Houses held related to the Tourism & Events Strategic Plan.**
- **Provide quarterly updates on the progress of the Tourism & Events Strategic Plan.**

– **Councilwoman Whitehead made a motion to adopt Resolution No. 12727 approving the 2023-2027 Tourism & Events Strategic Plan. Councilwoman Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Graham, Janik, Littlefield, and Whitehead voting in the affirmative.**

**Request:** Adopt **Resolution No. 12727** approving the 2023-2027 Tourism & Events Strategic Plan.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

11. **Monthly Financial Report – Approved on Consent.**

**Request:** Accept the Fiscal Year 2021/22 Monthly Financial Report as of June 2022 (fiscal year-end).

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

12. **Monthly Financial Report – Approved on Consent.**

**Request:** Accept the Fiscal Year 2022/23 Monthly Financial Report as of October 2022.

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

13. **Monthly Financial Report – Approved on Consent.**

**Request:** Accept the Fiscal Year 2022/23 Monthly Financial Report as of November 2022.

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

\*\*\*13A. **Permanent Extension of Premise for Living Room Wine Café & Lounge (11-EX-2022) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for a Series 12 (restaurant) State liquor license for an existing location to expand the restaurant and patio.

**Location:** 20751 N. Pima Road, Suite 120

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

\*\*\*13B. **Council Committee and Subcommittee Appointments – Approved on Consent.**

**Request:** Confirm Mayor Ortega's City Council committee and subcommittee appointments for the Audit Committee, Council Subcommittee on Education, and Economic Development Subcommittee as follows:

1. Audit Committee – Councilmembers Graham, Littlefield, and Whitehead
2. Council Subcommittee on Education – Mayor Ortega and Councilmembers Caputi and Whitehead
3. Economic Development Subcommittee – Councilmembers Durham, Janik, and Whitehead

**Staff Contact(s):** David Simmons, Mayor's Chief of Staff, 480-312-7806, [dsimmons@scottsdaleaz.gov](mailto:dsimmons@scottsdaleaz.gov)



### **Public Comment – None**

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Public Comment time is also the designated time for presenting a citizen petition. There is no limit on the number of petitions a citizen may present; however, each citizen is limited to a total time of three minutes to present and speak to the petition(s). A Request to Speak [form](#) must be submitted together with the petition(s) before the Mayor announces the second Public Comment period.

Speakers may address the Council once under Public Comment at the beginning or the end of the meeting, but not both. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

## **CITIZEN PETITIONS**

### **ITEM 14**

**Citizen Petitions:** This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak [form](#) must be submitted, together with the petition(s), **before** the second Public Comment period begins.

#### **14. Receipt of Citizen Petitions – None**

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

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

## **WORK STUDY SESSION**

**Work Study Sessions:** Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

**Public Comment:** To provide an opportunity for public input yet continue to maximize the amount of time available for the Council to have focused discussions, spoken comment (maximum of five speakers) is being accepted on the item(s) on tonight's work study session agenda. To sign up to speak, please click [here](#). **Request to speak forms must be submitted no later than 90 minutes before the start of the meeting. – Daniel Ishac expressed concerns regarding the boundaries of the Old Town area, downzoning, continuous canopies, and requested additional data related to mixed-use requirements. French Thompson expressed concern about bonus provisions and litigation threats and expressed support for covered walkways. Marilyn Atkinson expressed concerns about height, density, and bonus provisions and expressed support for covered walkways and for dedicated staff to handle Old Town zoning matters.**

If you have thoughts or suggestions on the work study session item(s) you would like the Council to consider, you are encouraged to submit your written comment(s) electronically by clicking [here](#). Written comments that are submitted electronically at least 90 minutes before the meeting will be emailed to the Council and posted online prior to the meeting.

1. **Emergency Management Plan and Program**

**Request:** Presentation, discussion, and possible direction to staff regarding the Emergency Management Plan and Program.

**Presenter(s):** Troy Lutrick, Emergency Manager

**Staff Contact(s):** Troy Lutrick, Emergency Manager, 480-312-1886, [tlutrick@scottsdaleaz.gov](mailto:tlutrick@scottsdaleaz.gov)

**– Emergency Manager Troy Lutrick gave a PowerPoint presentation.**

**– Councilmembers made the following suggestions to staff:**

- **Have the entire Council participate in the emergency management preparation process.**

2. **Quarterly Capital Improvement Plan (CIP) Update**

**Request:** Receive, discuss, and provide possible direction on the City Engineer's quarterly CIP presentation as of December 2022.

**Presenter(s):** Alison Tymkiw, City Engineer

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

**– City Engineer Alison Tymkiw gave a PowerPoint presentation.**

**– Councilmembers made the following suggestions to staff:**

- **Provide additional financial information including cost overrides, supply chain issues, and labor shortages related to each project.**

3. **Old Town Character Area Plan and Zoning Ordinance Update (5-GP-2021, 1-TA-2021, 1-II-2010#3)**

**Request:** Presentation, discussion, and possible direction to staff regarding the legislative draft of the Old Town Scottsdale Character Area Plan and downtown Zoning Ordinance.

**Presenter(s):** Adam Yaron, Principal Planner and Brad Carr, Planning and Development Area Manager

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

**481- Principal Planner Adam Yaron and Planning and Development Area Manager Brad Carr gave a PowerPoint presentation.**

**Councilmembers made the following suggestions to staff on each of these topic areas:**

- **Vision & Values**
  - **The General Plan 2035 Vision Statement “distinctive character” language about Old Town and the Old Town Growth Area definition were crafted and approved by the Council after several meetings and ratified by voters in November 2021. Therefore, the language should be kept intact and considered as part of the Old Town Character Area Plan vision.**
  - **Agree with the staff recommendation to strike the word “metropolitan” from the Old Town Character Area Plan Vision Statement as this would better match what is in the General Plan 2035.**
- **Downtown Development Types & Building Heights**
  - **The General Plan 2035 calls for open space considerations in Old Town and Type 1 is most compatible along the Arizona Canal.**
  - **Support was expressed for the proposed stepback transitions as proposed by staff.**
  - **Elimination and/or amending development types may compromise the Council’s ability to be flexible and affect future economic growth in Old Town.**
  - **The General Plan 2035 provides validation that thoughtful growth, not greater heights, in the downtown is supported.**
  - **There is support for the elimination of Building Type 2.5 in the Old Town Plan and Zoning Ordinance.**

- The City Attorney's Office should review the legality of lowering height limits and other proposed changes as they relate to Proposition 207 claims.
- The proposed changes to downtown development types and building height will provide guidance to developers about the City's expectations, thus streamlining the development process.
- **Definition of Mixed-Use**
  - The percentages of first floor commercial and residential space should not be mandated, rather the City should be flexible based on the needs of the area.
  - Keep the 35% non-residential in Type 1, but the 80/20 (residential/non-residential) proposed percentage does not make sense to include as it does not keep the flexibility needed by Council.
  - Data related to commercial and residential leasing should be reviewed regularly.
  - Twenty-five percent minimum for commercial space on first floors is acceptable.
- **Development Flexibility & Bonus Provisions**
  - Support development flexibility and contiguous parcels within Planned Block Development Districts.
  - Support the definition of public improvements/public benefits identified to be eligible for bonus standards.
  - Support the proposed fees better aligning with value received for bonus development standards.
  - Support for raising the bonus development fees but keep bonuses as a reinvestment tool.
  - Concerns were expressed about creating financial disincentives for developments with height limitations that may prohibit redevelopment in the Downtown area.
- **Open Space**
  - Support the proposals associated with Public Open Space.
  - Add the Rose Garden park to the Old Town Plan.
- **Quality Development**
  - Gross Floor Area Ratio of 2.0 is appropriate as residential space in developments is needed.
  - As defined in the adopted General Plan, maintain 50 dwelling units per acre density.
  - Type 3 development should not abut Type 1 development.
  - Support structured shade over all sidewalks in the Active Pedestrian Area.
  - Support shading over all sidewalks in the Active Pedestrian Area, but do not mandate uniform structured shade - include flexibility to provide shade such as cantilevered awnings, building position, shade trees, or other solutions.

**Adjournment – 9:31 P.M.**

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