



## SUMMARIZED MINUTES

### CITY OF SCOTTSDALE PROTECT AND PRESERVE SCOTTSDALE TASK FORCE REGULAR MEETING

11:00 a.m., Monday, March 11, 2024  
Community Design Studio  
7506 E. Indian School Road  
Scottsdale, Arizona 85251

#### **CALL TO ORDER**

The regular meeting of the Scottsdale Protect and Preserve Task Force was called to order at 11:08 a.m.

#### **ROLL CALL**

**PRESENT:** Cynthia Wenstrom, Chair (MS Teams)  
Raoul Zubia, Vice Chair (MS Teams)  
Carla, Member  
Nicholas Hartmann, Member (MS Teams)  
Jace McKeighan, Member (MS Teams)  
Daniel Schweiker, Member (MS Teams)  
Mark Winkleman, Member (MS Teams)  
John Zikias, Member (MS Teams)

**STAFF:** Sonia Andrews, City Treasurer  
Ben Lane, City Clerk  
Sherry Scott, City Attorney  
Gina Kirklin, Finance Director

#### **PUBLIC COMMENT**

There were no public comments.

#### **ADMINISTRATOR'S REPORT**

Ms. Kirklin advised the Task Force will require one more meeting to sunset if the City Council recommends sending the sales tax issue to the ballot, unless the Council requests that the Task Force continue to exist and study other options. The final meeting will provide the Chair and City Treasurer with the authority to sunset the Task Force, including but not limited to approving the minutes from today's meeting. Communication on next steps will be done through email.

#### **1. APPROVAL OF MINUTES**

Chair Wenstrom called for corrections to the minutes. There were none.

VICE-CHAIR ZUBIA MOVED TO APPROVE THE MINUTES OF FEBRUARY 21, 2024 AS WRITTEN. MEMBER WINKLEMAN SECONDED THE MOTION, WHICH CARRIED 8-0 WITH CHAIR WENSTROM, VICE CHAIR ZUBIA AND MEMBERS CARLA, HARTMANN, MCKEIGHAN, SCHWEIKER, WINKLEMAN, AND ZIKIAS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

## **2. TASK FORCE WORKING STUDY SESSION**

### **2.1 DISCUSSION RELATED TO COMMENTS AND QUESTIONS RECEIVED IN THE FEBRUARY 27, 2024, COUNCIL WORK STUDY**

Discussion ensued regarding the City Council's feedback on Task Force recommendations for the proposed ballot language, including but not limited to:

- Proposed ballot language.
- Proposed draft ordinance.
- Distribution of the proposed 2024 0.15% tax.

Ms. Kirklin provided the ballot language presented to the City Council during the Task Force work study. Chair Wenstrom noted the City Council felt the full-text language of the proposition was confusing and had suggested replacing "extend" with "replace."

Ben Lane provided a brief PowerPoint presentation with possible new language for consideration based on feedback from the City Council and recommended removing the last section in the final statement because the ordinance would not go into effect if the ballot was voted down.

Member Carla explained the City Council had a concern with the legality of the word "extend," but after further discussion, the issue has been resolved.

MEMBER CARLA MOVED THAT THE TASK FORCE RECOMMEND THE PREVIOUSLY PREPARED BALLOT LANGUAGE AGAIN AND THAT THE CHAIR WILL PREPARE AN ACCOMPANYING LETTER OR MEMO TO THE CITY COUNCIL WHICH FURTHER EXPLAINS THE TASK FORCE'S BALLOT LANGUAGE RECOMMENDATION INCLUDING AN EXPLANATION OF THE FOLLOWING POINTS: (1) BOTH THE CITY ATTORNEY AND OUTSIDE COUNSEL CONCUR THAT THE EXTEND LANGUAGE IS APPROPRIATE AND LEGAL; (2) IF THE TERM NEW OR REPLACEMENT IS USED THAT IS CONFUSING BECAUSE THE TAX RATE IS GOING DOWN NOT UP AS THOSE WORDS IMPLY; (3) THE ORIGINAL LANGUAGE IS THE MOST COMMON WAY TO EXPLAIN WHAT IS BEING PROPOSED WITHOUT CAUSING CONFUSION TO THE VOTERS. VICE-CHAIR ZUBIA SECONDED THE MOTION, WHICH CARRIED 8-0 WITH CHAIR WENSTROM, VICE CHAIR ZUBIA AND MEMBERS CARLA, HARTMANN, MCKEIGHAN, SCHWEIKER, WINKLEMAN, AND ZIKIAS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Member Carla expressed concern with Mr. Lane's proposed amendment to remove the last section of the final statement, noting the ordinance is what tells citizens how the money will be used. Mr. Lane clarified the language would say, "it is more specifically defined by City Ordinance," and if citizens are voting against it, the ordinance has no effect and it merely saves space on the ballot. The statement in question would only be removed from the No section.

MEMBER CARLA MOVED TO AMEND HER MOTION TO REMOVE THE PARENTHETICAL ORDINANCE ON THE NO VOTE. SECONDED BY VICE-CHAIR ZUBIA, WHICH CARRIED 8-0 WITH CHAIR WENSTROM, VICE CHAIR ZUBIA AND MEMBERS CARLA, HARTMANN, MCKEIGHAN, SCHWEIKER, WINKLEMAN, AND ZIKIAS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Discussion ensued regarding the City Council's feedback on the proposed draft ordinance:

Chair Wenstrom noted the 25% debt requirement was confusing to a City Council Member. Member Carla noted the percentage is being questioned and misinterpreted and suggested removing it. Attorney Scott advised the language pertaining to the 25% cap legally can be removed and suggested adding more information on what portion of the tax will go to WestWorld. Ms. Andrews suggested removing the percentage and using language that notes the total debt to WestWorld is limited to \$44.2 million; or using a separate line item, item E; or noting debt that can be used to fund capital improvement projects. A lengthy discussion ensued, including removing percentages to avoid confusion.

Ms. Andrews' proposed language changes include:

- A would include: "After section C is satisfied, all other remaining tax revenue shall be distributed as set forth below."
- B would include: "At the end of each year, the tax revenues in each category will then be... and any unused 2025 tax revenues listed in ..." and later in section B "Debt may be used to fund capital improvements in accordance with City policy. For instance, debt will be issued for WestWorld capital improvements, notwithstanding A above, and on an annual basis, the tax revenue will be used to satisfy any debt requirements as required by law."
- Section D would include: "Debt requirements will be limited to no more than \$4.5 million."

Member Carla suggested inputting "law" and "\$4.5 million" into the suggested language.

VICE CHAIR ZUBIA MOVED TO MAKE THE CHANGES RECOMMENDED BY MS ANDREWS. MEMBER ZIKIAS SECONDED THE MOTION, WHICH CARRIED 8-0 WITH CHAIR WENSTROM, VICE CHAIR ZUBIA AND MEMBERS CARLA, HARTMANN, MCKEIGHAN, SCHWEIKER, WINKLEMAN, AND ZIKIAS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Attorney Scott discussed the City Council's ability to have a super majority vote, which would allow them to amend the ordinance. Member Carla discussed recommending the ordinance passes immediately upon the measure passing, especially with the upcoming election and potential changes to the Mayor and City Council members.

MEMBER CARLA MOVED FOR THE TASK FORCE TO RECOMMEND TO CITY COUNCIL THAT THEY PASS THE ORDINANCE ALONG WITH THE RECOMMENDED MEASURE SO THAT, IF THE MEASURE PASSES, THE ORDINANCE IMMEDIATELY GOES INTO EFFECT. MEMBER WINKLEMAN SECONDED THE MOTION, WHICH CARRIED 8-0 WITH CHAIR WENSTROM, VICE CHAIR ZUBIA AND MEMBERS CARLA, HARTMANN, MCKEIGHAN, SCHWEIKER, WINKLEMAN, AND ZIKIAS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

In response to Member Carla's question, Mr. Lane stated the plan is still to pass the ballot measure on April 2<sup>nd</sup>.

Attorney Scott stated, upon discussion with staff, they believe the tax should be called the 2025 tax because it would not go into effect until 2025. Task Force members agreed.

MEMBER CARLA MOVED TO AMEND THE PROPOSED ORDINANCE TO REFER TO THE TAX AS THE 2025 0.15% TAX. MEMBER ZIKIAS SECONDED THE MOTION, WHICH CARRIED 8-0 WITH CHAIR WENSTROM, VICE CHAIR ZUBIA AND MEMBERS CARLA, HARTMANN, MCKEIGHAN, SCHWEIKER, WINKLEMAN, AND ZIKIAS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

### **3. IDENTIFICATION OF POSSIBLE FUTURE AGENDA ITEMS**

No future agenda items were identified.

The next meeting will be March 18, 2024, at 11:00 a.m. to sunset the Task Force.

Ms. Kirklin discussed the Frequently Asked Questions (FAQ) document that will be coordinated through email. The FAQ will be part of the public outreach program.

Ms. Kirklin noted Kelly Corsette in the Office of Public Information will conduct three open houses prior to April 2, 2024, and further details will be provided as it becomes available.

### **4. ADJOURNMENT**

With no further business to discuss, being duly moved by Vice-Chair Zubia and seconded by Member McKeighan, the meeting adjourned at 12:45 p.m.

AYES: Chair Wenstrom; Vice Chair Zubia; Members Carla, Hartmann, McKeighan Schweiker, Winkleman and Zikias.

NAYS: None

SUBMITTED BY:  
eScribers, LLC