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CALL TO ORDER

[Time: 00:00:01]

Mayor Borowsky: I call the January 28th, City Council Regular Meeting to order. And as soon as we get seated, Clerk Ben Lane, please conduct the roll call.

ROLL CALL

City Clerk Ben Lane: Thank you, Mayor. Mayor Lisa Borowsky.

Mayor Borowsky: Present.

Ben Lane: Vice Mayor Barry Graham.

Vice Mayor Graham: Present.

Ben Lane: Councilmembers Jan Dubauskas.

Councilwoman Dubauskas: Present.

Ben Lane: Adam Kwasman.

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Councilman Kwasman: Present.

Ben Lane: Kathy Littlefield.

Councilwoman Littlefield: Here.

Ben Lane: MaryAnn McAllen.

Councilwoman McAllen: Present.

Ben Lane: And Solange Whitehead.

Councilwoman Whitehead: Here.

Ben Lane: Interim City Manager Greg Caton.

Greg Caton: Present.

Ben Lane: City Attorney Sherry Scott.

City Attorney Sherry Scott: Present.

Ben Lane: Acting City Treasurer Ana Lia Johnson.

Ana Lia Johnson: Present.

Ben Lane: Acting City Auditor Lai Cluff.

Lai Cluff: Here. Present.

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

Mayor Borowsky: Thank you very much. Welcome everybody. Tonight, we have Scottsdale police officers, Sergeant Sean Ryan and Detective Dustin Patrick, as well as Firefighter Mike Tweet if anyone requires their assistance at any point during the meeting, please advise. I am going to ask Councilwoman Jan Dubauskas to lead us in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

[Time: 00:01:03]

Councilwoman Dubauskas: 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'S REPORT

Mayor Borowsky: Thank you very much. So, for the Mayor's Report, I would like to point out that tonight is Vice Mayor Graham's last meeting as Vice Mayor. On behalf of the City Council, we wish to thank you for your dedicated service over the last eight months and over the last couple of years, as well. And I welcome Councilwoman Jan Dubauskas as our new Vice Mayor moving forward, effective February 1st. So, congratulations.

PRESENTATION/INFORMATION UPDATE

Thank you very much. So, presentations tonight, we, I'm pleased to invite and announce that we have the Scottsdale Fire Department on hand Chief Shannon, and he will discuss with us tonight the very important subject of our Wildfire Mitigation, Preparedness and Mitigation Plan Update. Thank you, Tom.

[Time: 00:02:30]

Fire Chief Tom Shannon: Good evening, Mayor and Council. In the gallery tonight are many representatives of Fire Department, as well as other city stakeholders. It really does take a village to keep the city safe when it comes to wildfire planning and preparedness. It really starts with our Emergency Management Division that oversees all of our citywide hazards and that starts with the Maricopa County Wildfire Community Wildfire Protection Plan. Scottsdale has its own annex in that plan. I would just like to describe some of the features of that for you.

Let's talk a little bit about the risk that exists when we talk about wildfire. Certainly, it is no surprise to use that we live in a very hot, dry climate and our fuel model is substantial in terms of open space and the things that have existed way before Scottsdale was ever the bustling city that it is. A term that's important to us is wildland urban interface, what that really means, where communities and businesses abut the open spaces. Some of those areas are state lands, some of those areas are Tonto National Forest Area. Some of those are established Preserve. And what's important is those communities are directly interacting with the fuels that exist out there.

The causes of fires can be certainly naturally caused by lightning. Every once in a while, you will get the occasional unknown fire that exists that has no real cause of origin, and so it just goes as unknown. But really, what we're talking about here are human-caused fires. Substantial number of fires that we experience here in Scottsdale are construction based, to no surprise. Vehicles dragging chains, careless disposal of smoking materials, warming fires. Not so much here, but as not too long ago, the Patriot Fire was caused by a power line-associated start, and so that can have a significant potential most notably recently in Hawaii and California, those power line impacts.

And then fireworks. That is probably the most significant concern that we have several times a year, is the use of fireworks in unauthorized areas. And then another term that's important to you, should be important to you is the term "community conflagration" that really is the new lexicon, if you will, as to

what California certainly experienced and certainly Hawaii. And that is where communities, whether densely populated or not, are intertwined with the environment. And the next slide will kind of give you a sense of how that translates. We'll see fire move from vegetation to vegetation, understandably, vegetation to structure and then structure to structure. What we just recently saw in California, there was really a combination of vegetation and structure so densely intertwined and that coupled with winds that frankly no fire agency could outperform caused structure-to-structure impacts.

[Time: 00:05:58]

Our goal in everything that we do is to disrupt these pathways as much as we can. We do that through direct interaction with our community services division, our planning and development folks, certainly our neighboring communities and agencies help us in that regard, but the key is for us to disrupt those fuel pathways in a very, very responsible way. We do this through defensible spaces, home hardening and then this WUI, Wildland Urban Interface suppression response. I will tell you we have a very capable response system in Scottsdale. We have many capable assets, and we have phenomenally capable firefighters but really the goal should be prevention. And that's really what we would like to talk to you more about today.

This is our brush fire history over the last five years. The the picture to the right kind of gives you a sense of the bluer dots are construction starts, and the red dots are non-construction brush fires, they could be they could be human-caused, but they are other sources. But as you can see, we do have a sizable number of brush fire starts. Thankfully, most of these are contained to a very small amount of square footage or even acreage. But every once in a while, and notably the last couple of summers, we had some large fires that have required substantial internal and regional assets. This slide just kind of further gives you a sense of that number, 72 was in 2024.

So, let's talk a little bit about risk mitigation strategy. Here's what we do every year. It is substantial, and it includes everybody you see really on the on the balcony and that it really starts right now, where we are planning all of our fuel mitigation efforts. We leveraged the grants that we're able to obtain from hiring a very talented Fuels Manager from the National Forest Service, and that really sets us up to enact all of the aspirational goals of that Community Wildfire Protection Plan that is posted with the county. Throughout the year, you see that we have hazardous vegetation programs and Preserve steward education and training and HOA interaction, Firewise education, and program management. As well as preparing ourselves for what we would anticipate as being the hazard in front of us.

So, every year, around March, we will hold a tabletop. All of key stakeholders come to that tabletop and we talk about what the forecast is for the fire season. We get a report from the national weather agencies, and they tell us really what does the potential for fire look like. And then we literally storyboard scenarios and talk about who has got what responsibility and we go through various location starts, and that is super important for two reasons. Number one, kind of checks us to make sure that we're thinking about the season ahead, but it also establishes those critical relationships that we don't want to be you know, having to start with on the incident. We want those relationships

established well before. One quick anecdotal story. I believe it was the Diamond fire, if I'm correct, was actually spotted by one of our hot shot teams from the Tonto and they patrol those their response area just like we patrol our response areas and the time between them spotting that and our brush trucks interacting with that fire was literally minutes and that just wouldn't happen unless you work that relationship and so that's that's a positive note to make here.

So, our community risk reduction efforts come in the form of actual Community Risk Reduction Officers. We have three of them that we established some years ago, to do the daily work of ensure that communities, residents, businesses, and then honestly the WUI itself is always being monitored and being watched.

Construction safety guidelines are encountered with each of our contractors that are out in the wildland urban interface. From the permitting process in planning and development, all the way through the execution of the build, we want eyes on that property. This is an area where we can improve, you will hear that in the recommendations, but we interact with the contractors significantly and frequently. Our inspectors are outstanding. Our inspectors do over 200 site inspections a year. They do hazardous vegetation assessments; they do home safety defensible safety and all of that contributes to setting the resident up for a safer existence within the WUI.

[Time: 00:11:13]

This is an example of those construction site inspections. Quite literally, what our inspectors will do is as they do their daily inspection list of activities, they will engage the contractors who are out in the wildland urban interface and make sure that they are doing things right that, they have got the appropriate cutting spaces if they are doing hot work, and there's many additional things that we can do in this area, but this is a great addition to our our planning.

Hazardous vegetation assessments, what is important about this slide is look at the upper left-hand corner, where you see 33,000 contacts. So, in 2024, there were 33,000 residential contacts for hazardous vegetation. And the red to the right shows a total issues followed up on. What is key to this is these are the actual firefighters that would respond to that area, doing these doing these site inspections. And what they do is they engage the property, mostly through a wind shield survey. We're sitting in our trucks. We're looking at the hazard and then if we see things that need to be rectified, what we'll do, we'll engage the property owner, and I'll show you in just a second, we'll engage them with flyers and reach out and contact them using volunteers that we have to see how we can help them improve their their property fuel management. The example that you see here, the picture that's in the middle is an example of growth all the way up into a resident that might be an area where we would give counsel and offer them recommendations to provide defensible space. And so, these hazardous assessments these assessments of vegetation are absolutely of vegetation are absolutely essential.

Additionally, we happen to be the benefactor and primarily benefactor of healthy forest initiative grants especially because of the great work of Dave Ramirez and what we are able to do here and

what this slide represents is the leveraging of grant dollars and existing dollars inside community services, public works, the water department, to address those those areas that are most likely to be source locations for starts and do the defensible space work either in the form of chemical treatments or mechanical treatments, essentially landscaping. And so, this is a slide that shows how we truly do try to leverage every dollar we have, to get the biggest bang for the buck if you will.

This is that flyer representation, that I wanted to share with you. We have not only our Firewise program, which is the content on the left, that we provide to our residents and businesses, so that they can live safely within the WUI, but then if there are issues, we give them information on the right to help them kind of manage that risk, as we as we engage with them. What you are looking at here are the compliant Firewise communities. Scottsdale is really has a bit of a proud-speaking point in that we've got all of these folks in the green, that are established Firewise communities. That's no small task. That requires substantial commitment from these H.O.A.s and these communities and we applaud them, and we interact with them daily. The prevention staff, and the Community Risk Reduction Captains are engaging with them continuously to help them improve their living within the WUI. The areas where we have orange and yellow are areas where it's either pending established Firewise compliance or aspirational.

[Time: 00:15:05]

One the things that is important about Firewise is it's not a cure-all. What it does, it sets us up for greater defense. What we think in Scottsdale is necessary is a little bit more thoughtful look at the mix of fuels and the topography and the the design of our communities to make sure that all the features of Firewise are either addressed or complemented by other things that we would recommend, and you will see that in some of the recommendations portion.

The NAOS, the Natural Area Open Space maintenance conversation is an area where our planning and development folks are experts. But essentially, what it describes is what exists in our wildland urban interface and that is a very finery, penetrating fuel reality in and around our homes. We know what Scottsdale looks like and we know what our washes look like. Some of those are very overgrown. Many include invasive species, in fact, all of them do. The sweet spot is making sure that we're managing fuels in protected areas like the NAOS, as well as areas like the Preserve, where substantial work has gone into establishing best practices in those areas and also making sure that we take care of the fuels that now exist there. That you will hear that as well in my recommendations.

A little bit of example of before and after in terms of Firewise programming. Two of the same properties, you can see the overgrowth on the left and the improvement on the right. All of that sets us up for a less likelihood that that vegetation to occupancy transfer is going to occur and that's the value of Firewise, as well as you know folks feeling more comfortable in their communities. That's the the Firewise program is many strengths but that's certainly one of them.

So, as I wrap up and get close to questions, really where we are at in terms of our Community Wildfire Protection Program strengths, is this: The people up on the balcony, the prevention staff, the plan

review folks, the Planning and Development personnel, our Community Services staff, the Preserve staff, everyone who is engaged in the inspection and the planning of living inside that WUI are key. Certainly, our emergency response resources are valuable assets, but we really do hate to rely on them. We have been pretty darn lucky over the last few years that so many of the air assets that we all saw over the last few summers were available. Many times, they were not, because they are a very rare asset in the southwest and we have just been fortunate in our experience that they have been available.

Certainly, I've mentioned the community engagement, that's an area we need to do more. We can do more in engaging the community and educating them then bringing them in on solving some of their own problems. And then certainly stakeholder engagement well ahead of these issues. The firefighter training that we do now, I think meets the needs of Scottsdale, but from a system perspective, and you all realize that we operate in a very sophisticated fire system there's more that can be done to integrate everybody's capabilities so that if they come to Scottsdale, they are operating more effectively.

So, when it comes to recommendations, from my perspective, in the seat that I sit in and the accountability and the responsibility that I feel for this issue, I think we obviously need to continue our community engagement, really try to drive, if not more Firewise communities, then drive more Scottsdale specific-fuel management ideology. And then continue the community stakeholder engagement. I think we do need to expand our inspection and code enforcement intentions. I think we should be more purposeful in some of our preemptive work, the hot work is the key issue in the construction world.

[Time: 00:19:33]

So, with the grinding and cutting takes place, I think there can be areas where we ask for enhanced notification the day of grinding versus pulling a permit for grinding work, but that could take place over the next 180 days. We just don't know when. I think we can do better there. And then I do think we can review ordinances and look for opportunity where we give my position the authorities that might be required to manage fuels that exist in the NAOS, in the Preserve that perhaps have been restricted in terms of the ability to touch those but clearly are contributing to the potentiality of that vegetation to structure fire problem.

And then the last the last recommendation that I have, and that is we work so well together in this city, because of the collaborative process and really the people that are involved in that. That may not always be the case. And so I think what we can do is put some structure around that, and put more responsibility on the Fire Department to truly have the authority to prioritize fuels from the northern-most part of you are city to the southern-most part of our city and really not have to rely on relationships entirely to ensure that the prioritization of our fuels management takes place. I will tell you that we have had nothing but success stories in that regard. We have force multiplied and leveraged grant dollars ten-fold and so I don't want to leave you with the impression that there's a problem. I just don't know that it will always be me and my fantastic partners in these seats and so I

think that we can do better there.

So, with that, when it comes to when things happen, I think that we can do better in holding folks accountable for perhaps areas where they may have been informed that they needed do better and didn't. So, we are looking with our legal partners to strengthen that. A lot of that has to do with timely response to the investigative side of fires, and then adherence to very important prosecutorial procedure to make sure that we set them up for successful civil and criminal prosecution if that's if that's necessary. But clearly, I think we can do more. With that, I will stop talking and I will let you ask questions to see if there's anything you want to expand on.

[Time: 00:22:09]

Mayor Borowsky: Thank you, Chief Shannon. Very important issue, and I appreciate you taking the time to give us an update and also talk about your recommendations. And I know there's other councilmembers that want to ask questions or discuss this, but I for one would love to see this on a future agenda in the very near future, come back agendaizing your recommendations for consideration.

So, with that, before we make any decisions on, that I would like to ask Vice Mayor Graham to speak. Councilwoman Dubauskas.

Vice Mayor Graham: I didn't press the button.

Mayor Borowsky: Someone pressed your button. It's up there. Councilwoman Dubauskas.

[Time: 00:22:39]

Councilwoman Dubauskas: Thank you, Mayor Borowsky. Thank you, Chief Shannon. First, I just want to thank you for all the work you are doing. We are a very unusual city, owning a mountain, and so it's unusual opportunity to protect us through those wildfires. So, I appreciate all the work that you are doing. And I agree with the Mayor. I would like to see your recommendations come before Council. So, I hope you will work with the City Manager on that.

I would like to tell a brief story which was over the weekend, our neighbor across the street thought he smelled gas, and the fire department showed up immediately. Haz-Mat truck came immediately. It was an elderly gentleman, but there was no gas, but they did not make him feel dumb. They took care of him, and they brought my little girls' fire hats and made them feel so welcome. So, the work you are doing impacts the community and makes people feel dignified and makes them feel safe. So, thank you.

Chief Shannon: You're welcome.

Mayor Borowsky: Thank you, Councilwoman Whitehead.

[Time: 00:23:48]

Councilwoman Whitehead: Thank you, Mayor. Thank you, Chief Shannon, and thank you to all of our firefighters here. I just have some specific questions and I, of course, agree with the Mayor and Councilwoman Dubauskas that I want to see these agendized. But I want to make sure I understand, right now obviously it's the Fire Department's responsibility to prevent and then protect against fires, but what I'm hearing is that overseeing the mitigation, fuel mitigation is not currently under your jurisdiction. It's broken up into different departments; is that correct?

Chief Shannon: There's accountability for that, Councilwoman Whitehead. The reality is that we have ordinance in place that addresses how we deal with fuels in the NAOS and in the Preserve. And those are managed by very capable departments in Planning and Development and Community Services. We work very collaboratively with them to prioritize the fuels that we are aware of, and we focus a lot on the right-of-ways, easements and those very particular WUI areas.

My concern is that I'm accountable for the decisions we made but I don't necessarily have the absolute authority to change the order of play if you will. So, where we have potential disagreement, I really don't have the authority to change that under current ordinance. And so, my recommendation is that we strengthen the authority of the fire chief to thoughtfully use fuel modeling and fire flow programming, software programming to work with our current partners to ensure that what we think is best practice in, perhaps, the NAOS, or even in our protected Preserve, is really what really exists now. The technology has changed so much that we can do vegetation assessments that precisely identify invasive species and native species, and we can be precise in the fuel reduction we are talking about. This is not talking about clearcutting huge areas. This is about being very, very precise and very thoughtful. Thankfully, we haven't had a consequence to this request. My concern is that we may not be lucky and so I think we need to have some safeguards in place to give the authority to the Fire Chief who ultimately is accountable for what happens.

Councilwoman Whitehead: Yeah, so I think that makes sense to me that if you have the responsibility, it might be good certainly moving forward. Again, we have such excellent staff, having the responsibility and the authority in one on the fire chief, because because yeah. What I'm seeing, is all these open spaces, when we think of wildfires, we always think of the Preserve, but the fires are often starting out are outside of the Preserve and engaging our neighborhoods and preserve. So yeah, I would like to see that.

Also, let's talk about the open space, maybe more from the public's benefit. So, we have obviously 30,000 acres in the Preserve, but we have NAOS and a lot of different open spaces. Can you describe how much how much of that do we have in this city?

Chief Shannon: Oh, I would need to call in my closer Jesus or Erin. I did hear an interesting factoid that there is almost equitable amount of NAOS easement, as there is Preserve acreage and that is a stark visual, if you can imagine. Erin, perhaps you want to speak to that.

[Time: 00:28:00]

Erin Perreault: Mayor Borowsky and Councilmembers, I don't have the exact figures but Chief Shannon, you're amount, there's almost an equal amount in NAOS, so we are certainly committed to moving forward. The last time we updated the NAOS ordinance was in 2004, certainly worth a look through this process and we are committed to partnering with the Chief on that.

Councilwoman Whitehead: Thank you. I wasn't trying to get an exact number, but what I was trying to get across to the community is that we have a lot of land that needs to have oversight, and when I think the NAOS, which I still think a national, we're such a leader on that, we wanted to Preserve the desert unfortunately, our invasive plants didn't obey. So, we need to update our NAOS ordinance so that we can tackle the invasive plants and as the Chief will often say, the overgrowth of our native plants. But then everybody thinks, okay, we are going to clear cut, you already addressed that, but can you describe? So, you might have a wash, or you might have some NAOS, how you said you can pinpoint you are going to clearcut, can you go into more detail and show some --

Chief Shannon: We can. I wonder if my audio-visual folks can bring up the NAOS video. I anticipated that clarification on what NAOS is and what invasive species and native species look like. Can you pull that up? We have a quick video. But you can imagine, as you look here here, I will show you. That is that is both invasive species and native species, coexisting but in a very, very tight existence, and then as the drone flies up, you will just see how proximal to the residences, they are. And so that type of overgrowth, there's a property owner who has obligation to address that. What we're hearing from our residents is they want to address it, but there are some prohibitions in doing so. We have setbacks that we can move to that give us a generally advantageous position in terms of defensible space, but depending on the topography, if we have a slope, or depending on weather conditions, those fuels can be outperformed by weather very easily.

And so, what I would suggest you to is that example, which was right around 108th and Cholla. Is a good example where we might want to go in and do some things to that area, to do the thinning that you saw similar to the Firewise programming. It's not it's not substantial. It's just giving the native species a chance to continue and to exist by clearing out a lot of that overgrowth, dead vegetation, and the invasive work.

[Time: 00:31:01]

Councilwoman Whitehead: Okay and thanks. And one final comment is on the funding. Obviously, our rules and laws are only as good as our enforcement. So do you see an increase with the Prop 490 funding and increase in inspectors, because that's something that I would like to see.

Chief Shannon: The fire department had some 490 related requests and the Community Services and others. Right now, we are leveraging all of those dollars to literally sit together and reprioritize how to address fuels management. We all talk about each other's funding sources for the same reasons and that is to meet that priority list. And I don't see any reason why that won't continue regardless of any

ordinance changes.

Councilwoman Whitehead: Okay. Thanks. And, yeah, I will say though, those are my priorities on seeing on an agenda where we can dive deeper. Thank you.

Chief Shannon: Thank you.

Mayor Borowsky: I think Councilwoman McAllen, you want to speak as well. You are not up here.

[Time: 00:31:53]

Councilwoman McAllen: Thank you, Mayor. Thank you, Chief Shannon. My question for you is: You had mentioned you have three risk reduction officers. Can you just explain real quick, do they go out in the community? Are they the one that go into the community and say, hey, this is what your homeowner's association needs to do? What is their function?

Chief Shannon: Mayor Borowsky, and members of the Council, Councilwoman McAllen, yes, they are kind of, other duties as assigned person in the fire department, they are all Captains. They are 24-hour responders. And so, they will deal primarily with the HOAs to do education. They will do site inspections. They will meet with the residents and talk to them about Firewise protecting their individual properties. They are jacks of all trade. They do community education. They do response and initial investigation. And so, if a fire were to occur, they might be the first one to go to the source site, and not worry about firefighting activities at all. They also have other duties for off-hour inspections that might be required. They are terrorism liaison officers to deal with the all-hazards nature of the threats that exist in Scottsdale. So, they are truly a utility player that focuses primarily on the prevention issues. For not only our residents but our businesses as well.

Mayor Borowsky: Thank you. Thank you, Chief Shannon and all of your, are you on there? No? Oh, okay. I thought that was a mistake. Vice Mayor Graham.

[Time: 00:33:39]

Vice Mayor Graham: Thank you, Mayor Borowsky. Chief Shannon, thank you for the presentation. The NAOS statistic that you mentioned, that's staggering and that says a lot about our community, what we have Preserved and both inside and outside of the interface.

Chief Shannon: Mayor Borowsky, members of the Council, Vice Mayor Graham, the NAOS is necessary. It is what adds the beauty and...

Vice Mayor Graham: Yes.

Chief Shannon: Personality of Scottsdale that we coexist in this mountainous region, but just like California, if we if we don't tend to it, it will respond to us.

Vice Mayor Graham: Right.

Chief Shannon: And so, I have a philosophy when it comes to wildland fire and that is, I would rather keep it out than put it out. Our goal and not only our tactics and strategy is to reduce the potential for the start, get to it early and keep it out, and all of those things include not only our very valuable Preserve but the NAOS perimeter that is so expansive as you heard.

Vice Mayor Graham: Well, thank you, Chief Shannon. This is putting a lot of residents at ease. You didn't even mention or go too deep into our life-saving sprinkler code. We could spend hours on that alone and just real quick, fire hydrants, putting people at ease. How often are those checked and tell us more about that and that will be my final question.

Chief Shannon: Ye, I don't want to go too far into that. We do have the Director the Water Department here if you want to ask him specific questions about that, but let me just tell you that Mayor Borowsky, members of Council, we have an outstanding relationship with our Water Department. You know, they are the flip side of our coin, if you will, and so we feel very good about the water distribution capabilities, our hydrant checks. I heard just recently today, we get to over two-thirds of our existing hydrants which are nearly 12,000 in number every year. And so, I feel very good from a fire perspective on that and I'm happy to let the Water Director speak to it.

Vice Mayor Graham: That is satisfactory and thank you, Chief Shannon, Mayor Borowsky, thank you.

Mayor Borowsky: Thank you very much, and Councilman Kwasman has a word.

[Time: 00:35:56]

Councilman Kwasman: Thank you, Chief Shannon. I'm so grateful for all that you are doing to protect the citizens of Scottsdale. And like Vice Mayor Graham said, putting everybody at ease. I have just a just a special point that doesn't have to do with wildfire. I owe you, Chief Shannon, and the Scottsdale Fire Department, a tremendous debt of gratitude. On Sunday, January it was the middle of the night, basically the 20th, my 15-month-old Ari was turning blue, and he was going into full seizure, and at 2:00 a.m., and thank God it was mother's intuition to check on him, for some reason in the middle of the night, just woke up and checked, and it was about you know, I have four children and this is about as scary a moment as any dad could possibly have. And within four minutes, four and a half minutes, the fire department was there, and strapping my little baby boy on to a stretcher was very, very scary moment. He got better and then relapsed while the fire department was there. And they got him out of there quickly and thank God Ari is okay and everybody is okay, but on a personal debt of gratitude, this is one of the benefits of being able to sit on this rostrum but thank you in the official capacity and also as a dad in the personal capacity. Thank you, thank you, thank you for all you do.

Mayor Borowsky: Thank you. Glad everything is okay, Councilman Kwasman. With, that I would like to add to the agenda the February 11th agenda, assuming that's sufficient time, for you to bring back

recommendations I would ask that it be added. We can take a vote on this, that you bring back recommendations for Council's consideration for adoption or approval and with that, requesting to add to the agenda. Go ahead, Sherry.

City Attorney Sherry Scott: I apologize, this item is for presentation and no action. But I think we hear that the Council wants us to come back quickly, and we'll work towards that end.

Mayor Borowsky: I can add that under Mayor and Council, though, right?

Sherry Scott: If you well, we would have needed to know to put it on the agenda to add it to Mayor and Council Items, but I think we're hearing you.

Mayor Borowsky: Okay. Thank you very much, we look forward to seeing these recommendations come back on a future agenda.

Chief Shannon: You're welcome.

PUBLIC COMMENT

[Time: 00:38:57]

Mayor Borowsky: Thank you very much. Next, we will move on to the public comment. Public comment is reserved for Scottsdale citizens, business owners and our 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, and speakers are limited to three minutes each to address the Council. If you wish to speak on non-agendized or agendized topic, please see the City Clerk and I know there have already been six public comments registered and I will read off the names, two of which are also Citizens Petition. They have filed a Citizens' Petition.

So, starting with Steve Sutton, followed by Dan Ishac, Linda Milhaven, Lee Kauftheil, and Philip Kercher. And Steve, please approach the podium.

[Time: 00:40:09]

Steve Sutton: Mayor or Borowsky, before I give the public comment, I carefully compose all of my public comments, comply with the three-minute rule. Tonight, unexpected staff procedural actions make necessary a very short explanatory edition to my public comment that I hadn't anticipated. I ask the Council to grant, forgive my possible need for a few seconds beyond three minutes.

Two weeks ago, the Council voted to put my petition on the agenda of the next meeting. Last week I learned it would not be on the agenda due to a staff procedural problem. Yesterday, minutes before I gave a new petition to the City Clerk, I learned a preliminary agenda has been created which has Chaparral Dog Park, Parks and Recreation staff comment on it. I hope the Council understands that I

cannot ask petition supporters who may have to leave work early, arrange childcare or reschedule other appointments without having the certainty that the subject of the petitions will be addressed by the Council. That and other reasons soon to be explained are why I have submitted a new petition to the Council.

For five months I have spoken to and provided information to the City Council and Parks and Recreation Commission while waiting for a decision on dog park signs. Four months ago, Parks and Recreation Director Nick Molinari said something to me, the gist of which we have a survey and if I change the signs, I need something to tell all the people who complain. Well, Director Molinari did not have a survey on dog park signs and two months later, I provided the something he needed. Hundreds of residents who supported changing the signs and documenting refuting the rational complaint of the sign change. I petitioned the City Council because the behavior of some members of the Parks and Recreation Department Commission have convinced me they cannot be trusted, be objective on taking action on the petitions. I provided the Council a large amount of information, documentation and it should be sufficient to in making a informed decision.

Tonight, I want to make sure Councilmembers are aware of an opportunity. People across the entire political spectrum signed the dog park petitions. Petitions provide an opportunity to demonstrate to the residents of Scottsdale that the Councilmembers can cooperate in supporting a nonpartisan, inexpensive, easily to commit that doesn't provoke the anger and rancor that was presented on the dais at the last Council meeting. Please don't let five months of waiting turn into six months of waiting for decision on the dog park signs.

[Time: 00:42:42]

I, Steven Allen Sutton on behalf of the hundreds of Scottsdale residents who requested new dog park area and etiquette signs that the two separate petitions outlined, Council unanimously voted to accept on November 12, 2024, and now petition the Council to take action on the subjects by voting on the following: Item 1 - Vote tonight to reapprove placing the subjects of two petitions on the agenda for the next scheduled Council meeting and perform all procedures necessary to ensure that there is not another failure to have the City Manager's Office place the subject of the petition on an agenda. Item two, vote at the next scheduled Council meeting to approve or disapprove the immediate adoption and installation of the new dog park area designation signs. Item three, vote at the next scheduled Council meeting to approve or disapprove the immediate adoption and installation of the new dog park etiquette signs. Item four, if the Council approves one or both types of sign, vote to take action to ensure the City Manager's Office confers with Steven Sutton prior to the manufacturing and the installation of the signs. The purpose of the conference is to finalize the design and the installation characteristics to optimize effectiveness in the manner previously explained at the November 25, 2024 Council Meeting. And the last item is vote at the next scheduled Council meeting to correct the City Manager's Office to have approved new signs installed no later than February 20, 2025. Thank you very much for your time.

Mayor Borowsky: Thank you, Mr. Sutton.

Steve Sutton: Congratulations new Vice Mayor Dubauskas.

Mayor Borowsky: Thank you. Dan Ishac.

[Time: 00:44:08]

Dan Ishac: Almost four years ago, I began attending the Council meetings regularly, after they restarted in person. I was horrified by what I saw, particularly the behavior of the former Mayor, who bullied colleagues and speakers. I wrote emails to the Council about this and spoke publicly at meetings. It was in part why I ran for office. I even spoke out when the prior Mayor did this to Barry Graham, even though I disagree with virtually everything Mr. Graham says or does. It's about respect and collegiality.

Imagine my surprise when at the first meeting of the new Council, Mr. Graham took bullying and censorship to a greater extent. He used a procedural move to stifle all conversation, even a thank you from Councilwoman Whitehead. He did so after he repeated his false statements about the Sustainability Plan, so no one could correct him on record. Mr. Graham was aided in this disgusting display by Ms. Kwasman, Ms. Dubauskas and the Littlefields.

Interestingly, it was only two hours earlier that the new Councilmembers spoke about working with the Council. I'm not sure in what universe silencing your colleagues is working with them, but it certainly should not be the universe Scottsdale is in. Mr. Graham's crusade to limit discourse has spread to social media, where he's blocking people on Next Door as is Ms. Dubauskas. And now Mr. Kwasman is publicly ranting about blocking people from attending Council meetings because what he's supposedly overheard in a personal conversation. Mr. Kwasman, if offensive private speech is a disqualifier for being in the Kiva, I would like to remind you about your pejorative jam about former Councilmember Durham at the Via Linda Senior Center on Election Day. Do you remember that? I certainly do. As I'm sure others within earshot would as well.

To make this Council's offense even more egregious, it appears Mr. Graham violated the Open Meeting Law ARS 38-431 by emailing a quorum of the Council to strategize on the vote of an agenda item. And yes, the members had all been sworn in before the email was sent. The public ceremony before the meeting was a duplicate event for the public. Further, Mr. Graham included a former Councilmember, whom voters rejected twice as Mayor and a business owner who receives taxpayer dollars to support his and related businesses. Is this how the Council is going to operate, with a shadow Council made up of unelected members? And in the interest of time, I won't enumerate the profound misstatements by the Littlefield's regarding the D.R.B. role with regard to density and zoning and the apparent lack of understanding of what mixed use means.

So, what do we get from our Council at the first meeting, stifling discussion and comments from colleagues, ignoring the fact that the vast majority of written comments in December and January favored the Sustainability Plan, in other words, not listening to residents and disregarding the rule of

law and basic decency. That's quite the trifecta. Congratulations.

Mayor Borowsky: Thank you, Mr. Ishac. Next, we have former Councilwoman Linda Milhaven.

[Time: 00:47:23]

Linda Milhaven: Good evening, Linda Milhaven, I live on Belgian Trail here in Scottsdale. So, congratulations to the two Councilmembers and thank you for your willingness to serve. I wish you all a success because your success is Scottsdale's success. While there may be disagreements in our community around policy issues, I believe there's several things in which we can all agree. I think we can all agree that our discussion should be civil, respectful, open, honest and transparent. In fact, the Council Rules of Procedure includes the civility pledge developed by Scottsdale leadership and adopted by many organizations in Scottsdale, Section 10.2 reads in part: As a member of the Scottsdale community, I will genuinely listen, speak respectfully and be accountable for my words and actions.

During your campaigns you all emphasized the importance of listening to residents and I hope that means you will listen to everyone. There are over 240,000 of us who live in Scottsdale, and you serve all of us, not just the few who voted for you. I think we can all also agree that we hope that you will study the issues, be open to new information, rely on facts and data, be willing to consider alternative points of view, be thoughtful in your deliberations and make decisions for the greatest good. You didn't get off to a very good start in the first meeting, I commend the Mayor for her efforts to try to keep control of the meeting, but I hope that as you settle in your role you will do better. Everyone in Scottsdale is relying on you and we wish you the best.

Now I would like to shift to a policy issue. I applaud your pledges, to increase resident access and participation in City Hall. This has been the goal of every previous City Council, and we should be ever vigilant to look for ways to keep residents informed and involved. At your last meeting, you used this as one of the reasons to adopt an ordinance to establish the Budget Review Commission. I believe this is misguided. Establishing the Budget Review Commission is an abdication of one of your most important responsibilities and which is to be good stewards of our tax dollars. The city budget is the mechanism through which the City Council supports programs and projects that deliver our quality of life. You should not be delegating policy decisions about what products and projects and programs get funded or don't get funded to unelected residents. In addition, direct appointments do not meet your goal of including more residents' direct appointments ensure that only people in your current circles will be included rather than opening the opportunity to other more to other qualified residents.

Also, as new City Councilmembers you have a lot to learn about the city's workings and finances. I don't expect that I will change your mind about this commission, but I do hope that you will stay close to this process, learn about city finances and watch the details of the discussions of the commission so you can make informed decisions when it's your turn to approve the budget.

And finally, as you learn about the city, I know that you will learn that city employees are not lazy slackers, but rather, they follow the direction of the City Council. They are professionals and experts in

their field and all of them contribute to making Scottsdale the wonderful place it is. They deserve your gratitude and respect. Thank you.

Mayor Borowsky: Thank you. Next Lee Kauftheil.

[Time: 00:50:42]

Lee Kauftheil: Hi, Lee Kauftheil, I live on 7726 East Thomas Road. I wanted to come here and just speak about roundabouts. There's something I think are an unallied good that we have here in the city, and I think our roundabout-first policy meets the needs both as it lowers costs for the city and for residents. It reduces congestion they reduce congestion for the city and for residents, and they are also safer for the residents who use them.

So as far as cost, the first thing I kind of want to talk about today with the news that the federal government is stopping all grants and loans, as a member of the Transportation Commission, I see how much of transportation budget comes from outside of Scottsdale, the majority of it comes from outside of Scottsdale and a large part of that comes from the federal government, and so I think with roundabouts being the less expensive option, that is something we should consider, if we are going to watch over every penny that the citizens of Scottsdale contribute here. They don't have poles knocked down by drivers and you don't have the electricity costs and maintenance that an intersection requires. They are faster because there's no wasted time whenever anyone needs to go through, people are able to transit through, when there is an opening there, and so they have been shown over decades to allow more through traffic through intersections. And then they are safer. I have also looked ADOT has recently published their findings on vulnerable road users and just general crash data, and the overwhelming majority of deaths and serious accidents and crashes happen in intersections.

Roundabouts are an important tool to bring down speed, which is the number one cause of injuries and death is speed, and roundabouts bring that down. As a member of the Transportation Commission, I had we had a citizen come in and talk about her experience in the roundabout. She was hit. There was a conflict in there and when she took her car in, there was no damage to it. Her vehicle was okay, and she was able to leave that intersection without any injuries or having to do all of that. So, I would just have to say for the 30% of Scottsdale residents who don't drive, please think of them also when it comes to roundabouts. Thank you.

Mayor Borowsky: Thank you, next we have Philip Kercher, followed by Tom Durham and then finally Greg Blaire.

[Time: 00:54:19]

Phil Kercher: Good evening. My name is Phil Kercher, I live at 7822 East Cochise Drive in Scottsdale. I'm a former city employee, 32 and a half years. I'm here representing my neighbors and our HOA, I live near 78th and Shea. We would like to request that Council direct staff to look at installing an

all-way stop at 78th Street and Gold Dust Avenue and lower the speed limit on 78th Street. We have a problem with cut-through traffic and speeding on 78th Street that we would like to try to address this manner in this manner as opposed to installing traffic control or traffic calming devices. So that is my request.

I have prepared a document that's attached to the petition that I have submitted, and it includes speed data that's been collected by the city that documents there is a speeding issue and also outlines policies that hopefully will be considered when looking to do some kind of action. So, appreciate your attention and thank you for having me. Thanks.

Mayor Borowsky: Thank you. Vice Mayor Graham?

Vice Mayor Graham: Thank you, Mayor Borowsky. Just real quick, I want to comment on Mr. Kercher, I served almost seven years on the Transportation Commission, Mr. Kercher is a retired city employee from the Transportation Department. He always did such a good job, making transportation issues accessible, and he just gave really good, wonderful years of service to the city of Scottsdale. So, thank you for coming back and talking to us, Phil.

Phil Kercher: Thank you, Vice Mayor Graham. Appreciate that.

Mayor Borowsky: Thank you. Former Councilman Tom Durham.

[Time: 00:56:10]

Tom Durham: Thank you, Mayor and Councilmembers. After listening to Chief Shannon and seeing the fires in Los Angeles, I'm so proud that our community had the vision to support Proposition 490 and provide additional fire mitigation funding. And this is your friendly reminder that a majority of this Council opposed that fire mitigation and wanted to deprive our fire department of the necessary tools for fighting fires, especially in the Preserve.

But I'm here for a different reason tonight. And that is about the blatant illegality of last the last meeting regarding a violation of the Open Meeting Law. As we all know, Councilmember Graham wrote an email to a majority of the Council, that was members Kwasman, Dubauskas, Littlefield, Mayor Borowsky, and shadow member Bob Littlefield and he had a quote, "plan" with two parts. The parts of this plan were first to repeal the Sustainability Plan and second to shut off Council debate so that no one would be able to show the errors in his emails.

Now, this preconceived plan was a clear violation of Open Meeting Law. I'm putting on the screen, if I can can I do that, it's a statement from the Arizona Agency Handbook, 7.51, which is prepared by the Arizona Attorney General, which says if an electronic communication from one member of the public body proposes legal action and is sent to enough members of the body to form a quorum, a violation occurs, even if no public member responds to the electronic communication. So, there's absolutely no doubt that's what happened here.

Councilmember Graham sent a communication to a majority of the Council, proposing a plan and proposing action on it. A clear violation. And they carried this plan out to a “t” at the last meeting. The members fell in line, followed Councilmember Graham's dictates and voted to shut off debate and voted to repeal the Sustainability Plan. And it doesn't matter that other members didn't respond to this email, even though the Attorney General in her investigation may show that they did. And it doesn't matter that they reached this agreement before the Council meeting, because they carried the agreement out during the Council meeting, after they were inaugurated and members of the public.

And what are the consequences of this? The law provides that all legal action taken in violation of the Open Meeting Law is null and void. This means that the repeal of the Sustainability Plan is null and void since it was taken down in violation of Open Meeting Law. So, your effort to repeal the Sustainability Plan is null and void and it still stands in place.

Mayor Borowsky: Thank you, former Councilman Durham. That, I believe, is the last oh one more, Greg Blaire. Excuse me. Is Greg here?

[Time: 01:00:05]

Greg Blaire: Mayor and Councilmembers, thank you for allowing me to speak. I just want to thank you all for the work you did on repealing the Sustainability Plan. The Sustainability Plan contains things that I think were not well-defined and potentially could open the city to spending resources ineffectively and not spending our money wisely. I think you all displayed courage and leadership, even in the face of open rebuke and intimidation. So going forward, I think the people who the residents who voted for you could be assured that you will be listening to them. So, I appreciate it. Thank you.

MINUTES

Mayor Borowsky: Thank you. Next, we are moving on to the Consent Agenda, Items 1 through 13, and if there's there are no questions, I entertain a motion to approve those Consent Agenda Items.

Vice Mayor Graham: Meeting minutes.

Ben Lane: Mayor.

[Time: 01:01:40]

Mayor Borowsky: Oh, Meeting Minutes, sorry.

Vice Mayor Graham: Mayor, I will move to, you need to open this section up.

Mayor Borowsky: We are moving on to the Meeting Minute approval. Are there any, having read and received the Minutes, are there any revisions? If not, I request a motion to approve the Meeting

Minutes of December 3rd.

Vice Mayor Graham: Madam Mayor, I will move to approve the Meeting Minutes from December 3rd and December 4th.

Mayor Borowsky: Correct.

Councilwoman Littlefield: Second.

Vice Mayor Graham: Are those the correct dates, Ben?

Mayor Borowsky: Did we miss those? I know we read those last time. Please register your vote.

Councilwoman Dubauskas: I'm voting yes. You can see the light is on.

Vice Mayor Graham: She's voting yes, for the record. Councilwoman Dubauskas...

CONSENT AGENDA

[Time: 01:02:51]

Mayor Borowsky: Unanimously approved. Moving along to the Consent Agenda Items 1 through 13. If there's no question on those, I would invite a motion to approve Consent Agenda Items.

Vice Mayor Graham: Mayor, Madam Mayor, if I may make a motion to approve the Consent Agenda Items with one small comment, and that is my the my Item number 7, we deferred Item number 7 parking structures in Old Town Scottsdale, very important projects, and very excited to get those back on the agenda. And as the one comment I will add and with that, I will move to approve the Consent Agenda Items, items 1 through 13. Thank you.

Councilwoman Whitehead: I will second that and I would like to speak to my second on one item.

Mayor Borowsky: Go right ahead.

Councilwoman Whitehead: Just Item 13. I want to really thank our city staff and the Scottsdale Community College for working together and opening pickleball courts on Sundays, holidays, and the summer. I'm excited about Item 13. That happened last year.

Mayor Borowsky: Thank you. All those in favor?

Councilwoman Dubauskas: I'm registering yes.

CITIZEN PETITIONS

[Time: 01:04:27]

Mayor Borowsky: And that passes. We have already done all the public comments on non-agendized items. So, with that, Citizen Petitions. We have heard two Citizen Petitions from the individuals that spoke earlier. The first one on Steve Sutton, for your consideration. I will ask for a motion to bring that back to the next scheduled agenda on the issue he's raised on dog park signs.

Vice Mayor Graham: Mayor, are you asking for a motion to bring that back? Could we bring it back the February 11th or Ben, our meeting is scheduled the 11th and the 28th?

Ben Lane: Thank you, Vice Mayor. So, this is actually scheduled for the February 11th agenda already. It will be on that agenda.

Vice Mayor Graham: Oh, okay. Thank you.

Mayor Borowsky: Okay, so we're set on that? Thank you. And then the second petition that we just heard on Mr. Kercher, I'd ask for a motion or consideration on agendizing that item.

Councilwoman Whitehead: Mayor, I would like to motion to direct the City Manager to agenda or sorry, number two, direct the City Manager to investigate the matter and prepare a written response to Council, and I also want to did I think he already snuck out, but it was nice to see Mr. Kercher again.

Councilwoman Littlefield: I will second that.

Mayor Borowsky: Thank you. All those in favor, please register your vote.

Councilwoman Dubauskas: Yes, please.

MAYOR AND COUNCIL – ITEM 15

[Time: 01:06:02]

Mayor Borowsky: Moving along to Mayor and Council items. Number 15. Tonight, I have the proud opportunity to appoint our Citizens Budget Commission, the Budget Review Commission members. At our last meeting, we unanimously approved the adoption and impaneling, bringing back, I should say, the Budget Review Commission. So, I have been provided a list of names by all of my colleagues. So, I will read those. And any of the individuals that and any of the individuals that are present, please step forward and accept your appointment.

I see in the audience David Smith, who I personally appointed as the Chair of the Budget Review Commission. And I will take a moment to just share, I have worked with David Smith in the past.

He previously chaired excuse me, he previously served on the Citizens Budget Commission, and he was also our former acting you were the actual City Treasurer, I think.

Vice Mayor Graham: Yes.

Mayor Borowsky: So very proud to appoint David Smith. Next, Vice Mayor Graham appoints Mark Stephens. Councilwoman Dubauskas appoints Brad Newman. Councilman Kwasman appoints Bob Letteiri and Councilwoman Littlefield appoints Sharyn Seitz. Councilwoman McAllen has appointed Daniel Schweiker. Councilwoman Whitehead appoints Carla. And I know several of these individuals are in the audience right now and without belaboring it, does anyone oppose their appointment?

And there were comments earlier by former Councilwoman Linda Milhaven say that this is such a quality group of individuals and realizes how direct appointments can really how direct appointments can really step up in our city. So, thank you all for your willingness to serve. Moving along to Item 16, and I'm going to let Councilman Kwasman take the stage on this one.

MAYOR AND COUNCIL – ITEM 16

[Time: 01:08:15]

Councilman Kwasman: Thank you, Madam Mayor, members of the Council, yesterday, January 27th, was International Holocaust Remembrance Day. It serves as a stark remembrance for the liberation of the Auschwitz Concentration Camp and provides a very needed opportunity on an annual basis to see exactly what happens when an age-old metaphor a changing virus of Anti-Semitism, that grows into something that turns into extermination. One-third of the Jewish people lost their lives. My family members lost their lives, and it just shows you what true genocide is, Madam Mayor, members of the Council, the Jewish population is roughly exactly the same as it was 80 years ago. It did not grow with the rest of the global population. That just shows how decimated we were as a people.

To that end, there is a what is known as the IHRA definition, okay, through the International Holocaust Remembrance Alliance, it's an international working definition of antisemitism. As a said before, there's a metamorphosis of the virus of antisemitism in this world. Antisemitism, as the famous former Chief Rabbi Lord Jonathan Sachs of the United Kingdom said, antisemitism changes faces and changes shape and most recently, the manifestation in a post-Holocaust world has included the targeting of the state of Israel, not as a criticism as just another country, but targeting the state of Israel that's conceived as a Jewish collectivity and that's the key of this working definition.

I want to be sure, to members of this Council, criticism of Israel, similar to that leveled against any other country cannot be regarded as anti-Semitic. Criticism of Israel conceived as a Jewish collective, that is where Anti-Semitism begins. The IHRA working definition has been, has been adopted by a numerous amount of U.S. entities including the U.S. Department of State, the U.S. Department of Education, multiple states, including the state of Arizona, as well as multiple municipalities throughout the country, including large Jewish populations in the Miami-Dade County, Miami-Dade, as well as

Beverly Hills, California. This is not a legally binding agenda item that we're going to place on the calendar. This is not legally binding. This is used as a tool with which to educate and help communities understand what antisemitism truly is, and as we know Scottsdale is one has one of the largest Jewish populations in the state of Arizona. In this congressional district, David Schweickert's congressional district, it's by far the largest population of Jews in the state of Arizona. And what this does, I will ask to agendize this item to make sure that we have staff place it in a way, wrap it in a way that's going to have unanimous support and and community involvement, make sure that anybody who has any concerns, those concerns will be allayed and can be used as an educational tool moving forward. And so, with that, I'm happy to answer any questions.

Mayor Borowsky: Do you want to go ahead and make a motion.

[Time: 01:12:35]

Councilman Kwasman: I move it's a motion to agendize the item at a later date. At staff's discretion. I move to direct the City Manager or responsible charter officer to agendize the item for a future meeting. The language is right there in front of me.

Councilwoman Dubauskas: Second.

Mayor Borowsky: All those in favor, register your vote. Thank you. That item passes.

Councilman Kwasman: Thank you, members.

Mayor Borowsky: And that concludes all of our business, official business for tonight, but I do see I want to add, welcome to our I understand you are the Pinnacle Presbyterian Troop 869. I did some research while I was up here. Thank you for joining us today. You missed the spotlight and the Pledge and now you will have to come back and sit through another meeting. So, you can talk to your Troop leader about that. I would like you to come approach the dais after the meeting concludes so we can take a nice photo of all of you here at the Council meeting and I applaud your participation and interest in what's going on in the city. So having no other further business...

Vice Mayor Graham: I will motion to adjourn.

Councilwoman Littlefield: Second.

Mayor Borowsky: All right. All those in favor. Thank you so much. Thank you, everyone.

ADJOURNMENT

[Time: 01:14:05]