
This document was created from the closed caption transcript of the November 3, 2025 City Council Special Meeting has not been checked for completeness or accuracy of content.

A copy of the agenda for this meeting, including a summary of the action taken on each agenda item, can be accessed through the City Clerk Archived Documents Search at:

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

An unedited digital video recording of the meeting, which can be used in conjunction with the transcript, is available online at:

<https://ww2.scottsdaleaz.gov/scottsdale-video-network/Council-video-archives/2025-archives>

For ease of reference, included throughout the transcript are bracketed "time stamps" [Time: 00:00:00] that correspond to digital video recording time.

For more information about this transcript, please contact the City Clerk's Office at 480-312-2411.

CALL TO ORDER

[Time: 00:00:01]

Mayor Borowsky: Good afternoon, I'd like to call the November 3rd Special Meeting and possible Executive Session to order. City Clerk, may I have a roll call please.

ROLL CALL

[Time: 00:00:08]

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

Mayor Lisa Borowsky: Present.

Ben Lane: Vice Mayor Adam Kwasman.

Vice Mayor Kwasman: Present.

Ben Lane: Councilmembers Dubauskas.

Councilwoman Dubauskas: Here.

Ben Lane: Barry Graham.

Councilman Graham: Here.

**CITY OF SCOTTSDALE
NOVEMBER 3, 2025 SPECIAL MEETING
CLOSED CAPTION TRANSCRIPT**

PAGE 2 OF 6

Ben Lane: Kathy Littlefield.

Councilwoman Littlefield: Here.

Ben Lane: Maryann McAllen.

Councilwoman McAllen: Present.

Ben Lane: And Solange Whitehead.

Councilwoman Whitehead: Here.

Ben Lane: City Manager Greg Caton.

City Manager Greg Caton: Here.

Ben Lane: Interim City Attorney Luis Santaella.

Interim City Attorney Luis Santaella: Present.

Ben Lane: City Treasurer Sonia Andrews.

City Treasurer Sonia Andrews: Here.

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

EXECUTIVE SESSION

[Time: 00:00:39]

Mayor Borowsky: Thank you very much, for the item on today's Special Meeting agenda, Possible Executive Session, which includes items A and B. A is to discuss and consult with city's attorneys for legal advice and consider its position regarding the TAAAZE, Taxpayers Against Awful Apartment Zoning Exemptions et al versus State of Arizona, City of Scottsdale and other matters related to Senate Bill 1543 and Development Agreement 2020-138-COS, including amendments.

And B, to discuss and consult with the city's attorneys for legal advice and consider its position with possible instruction regarding Middle Housing State Legislation, House Bill 2721 and the Scottsdale zoning ordinance. Can I have a motion to move into Executive Session?

Councilwoman Dubauskas: So moved.

Councilwoman Littlefield: Second.

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

RECESS SPECIAL MEETING TO EXECUTIVE SESSION

[Time: 00:01:57]

RECONVENE SPECIAL MEETING FROM EXECUTIVE SESSION

[Time: 00:02:57]

Mayor Borowsky: We have an indispensable party who's just returned. At this time I'd like to reconvene the Special Meeting, and move on to we had an Executive Session, and we are now taking up the issue of possible authorization to allow our Interim City Attorney to file an appropriate counterclaim, cross claim or third party claim against taxpayers in excuse me, Taxpayers Against Awful Apartment Zoning Exemptions, et al. versus State of Arizona, City of Scottsdale, et al. Do I have a motion?

Vice Mayor Kwasman: Madam Mayor, I have a motion. I move to direct the city attorney to proceed with prescribed claims unless stipulated deadlines are not excluded by the court and then no action shall be taken and the subject of this motion shall be agendized for November 17th Regular Agenda.

Councilwoman Whitehead: Second. May I speak to my second? I just want to make sure I translate that, all parties involved, the state and TAAAZE have agreed to extend the deadline until November 17th, we expect that it will be extended until November 17th, at which point we...November 21st, thank you, Vice Mayor and Mayor. And at that point, we this Council would have to have another vote in order to proceed.

Mayor Borowsky: All right, all those in favor, please indicate.

Councilman Graham: Point of order, there's some people that want to speak...

Mayor Borowsky: Public speakers, thank you very much, Councilman Graham.

Interim City Attorney Luis Santaella: Honorable Mayor, members of Council, may I make a suggestion regarding the motion? Vice Mayor Kwasman used the term excluded, extended would be more appropriate.

Vice Mayor Kwasman: I apologize, Madam Mayor, City Attorney, this was written in handwriting that was even my own handwriting is sometimes illegible. This happened to be one of those moments so with that, I'd like to amend my motion. I move to direct the city attorney to proceed with the prescribed claims, unless stipulated deadlines are not extended by the court, and then no action shall be taken and the subject of this motion shall be agendized for the November 17th Regular Agenda.

Councilwoman Whitehead: Second.

Mayor Borowsky: Thank you, that was helpful. We have two speakers, Steve Sutton and Michael Schafer. Steve Sutton, please approach.

PUBLIC COMMENT

[Time: 00:05:33]

Steve Sutton: Steve Sutton, address on record, Mayor Borowsky, Council, if I understand this correcting, I am commenting on No. 2 here, authorizing the interim city attorney, to file a counter, appropriate claim and there will be a vote to do that, is that correct? A vote will be taken on that?

Mayor Borowsky: Unfortunately, Steve, you know the rules, we're not allowed to have dialogue. That accurately describes...

Steve Sutton: I'll move on to the rest of my comment, and that's about perception and reality. The attire I wear to the city Council meetings, is never due to my respect or lack of respect for the proceedings. At times the I wear Eddie Bauer, other times I wear Brooks Brothers, today I'm wearing a Hanes t-shirt. This is my signature collection t-shirt. I don't want anyone to think I dress sloppily because of disrespect for this Council.

I do have a concern about voting on this issue, both what was just done and that is a problem with perception. I'm not an attorney, I don't know what the actual law says, but I know that reality is an agreed upon perception of many people, and, therefore, perception becomes reality. I'm concerned that votes are being taken in regard to TAAAZE by Councilwoman Littlefield, whose husband is obviously the head of TAAAZE. I don't know if this is a legal conflict of interest. But I know it's perceived as that by some people. And the mere perception of it, could be a problem in impugning the integrity of the Council. I spent quite a bit of time in the military and was told that just the perception of wrongdoing was enough to cause trouble.

So I again, question whether Councilwoman Littlefield should be involved in any voting whatsoever, on anything to do with TAAAZE and Axon, being a perceived conflict of interest and possibly causing a lack of confidence in the integrity of the Council. Thank you very much for your time.

Mayor Borowsky: Thank you. Michael Schafer?

[Time: 00:08:32]

Michael Schafer: Thank you, Mayor, City Council, Michael Shafer, Scottsdale resident. I wanted to say that first I'm thankful there was a building considered on 92nd Place that might have been considered for storage and will be a church. So the people are happy to hear that. So, we thank you for the support you may have lent to that situation.

Tonight, one of the topics I want to speak about is TAAAZE. I'm not quite sure where the situation is tonight, but I was hoping and do hope that there is a vote on that tonight. 27,000 of us citizens, taxpayers, signed the city, the letter to the city. And our feeling is that there was a bad zoning change that made that occur in the beginning. We then have a new administration that's come in, and we're optimistic that some things that occurred in the past will change as we go forward. We don't want many apartments for a lot of reasons, water usage, traffic, voting, over population, over changing the complexion of the Scottsdale we all love. We don't want a San Jose here. We don't want what we've

seen the kicking of the project down the calendar, down the calendar, we're concerned that's going to lead in a direction that people wouldn't want.

To not stop big business and developers from running over the City Council, city zoning, state legislators, with lots of promises and money, and Axon paid employees who would come here at these meetings and represent their view, there's a lot of them. We appreciate the company and workers.

Tonight this may be a very important decision to defend the rights of the Scottsdale citizens, I believe it's not about politics, it's about principle, and about whether our elected city officials will do what the people, the majority of the people would like to see done. We don't want you to surrender to corporate pressure, to the legislature, or act like the old administration. This so-called Axon Bill passed and stripped Scottsdale voters their rights to challenge major city decisions through a referendum. It's a right guaranteed to citizens across the area. It's not just wrong, it's unconstitutional, we believe. If we allow the law to stand unchallenged, we set a dangerous precedent where powerful corporations, state lawmakers, can dictate what Scottsdale citizens can and cannot vote on. For months, the residents have spoken loud and clear, we want our rights restored. Councilmembers Littlefield, Graham and Dubauskas have consistently stood with the people. Each time this comes up, it seems to get kicked down the pike. Mayor thank you all.

Mayor Borowsky: Thank you, Mr. Schafer, appreciate it. Councilman Graham.

[Time: 00:11:49]

Councilman Graham: Thank you Mayor. If I could ask a clarifying question, because the agenda tonight, what we're voting on, if I understand it correctly is authorize the interim city attorney to file any appropriate counterclaims, cross claims and third-party claims, and there was a small modification made. Is that all claims? Does that include special legislation and like contracts? Does that include all claims, city attorney?

Luis Santaella: Honorable Mayor and members of the City Council, yes it would be any appropriate or pertinent claims against any party to the litigation including whether to bring in a third party to the litigation. So it's not limited to the type of claim. A cross claim is against a codefendant, a counterclaim is against the plaintiffs, and then the third-party claim would be bringing someone else into litigation.

Councilman Graham: And just, I guess, for the not everybody watching this is legal educated, so we do we have any when we cross claim, is that an all or nothing type of motion? Or can we pick and choose the nature and tailor that to the way we want?

Luis Santaella: Yes, we can, sir.

Councilman Graham: That wasn't quite a yes or no question, do we pick is it all or nothing? Or can we pick and chose the nature of what that cross claim looks like? I can repeat that if you like?

Luis Santaella: No, I...Honorable Mayor and City Council, I'm thinking about how to answer that question, without giving out any legal strategy or advice. Typically, the client defines strategy in general, and then the attorneys define tactics, so we would define, if we file a cross claim, what the best legal

avenues to pursue would be.

Councilman Graham: Okay so, that would be your decision, is that correct? The city attorney's decision?

Luis Santaella: That's correct.

Councilman Graham: So ,with in motion, are we putting any limitations on you, as far as how many or the type of or the nature of cross claims you can make?

Luis Santaella: There are no limitations from this motion, other than if the courts extend the deadline, I won't be able to file would have to wait for a new motion on the 17th.

Councilman Graham: Okay.

[Time: 00:14:36]

Luis Santaella: But in terms of, if the court does not extend the deadline, there would be no limitations whatsoever. It's a pretty broad authorization.

Councilman Graham: Okay. Good, I'm going to explain my vote, and support the motion. I'm going to just express a slight reservation with my vote, because the vote on the floor is basically saying that if there's not an extension, a judicial extension, if there's not a judicial extension on when we can join as a cross claimant, that then it with you, Scottsdale City Attorney can no longer make the cross claim you can only make it if there is not an extension. So, I wish that that wasn't there. But we will come back and reconvene before the expiration of that extended period, assuming that extension happens. It sounds like everybody agrees with that. A little bit of reservation with my support for this, but I am going to vote for it, thank you.

Mayor Borowsky: Thank you very much. Before we take a vote, I just want to speak to, I'll be supporting this motion, and Michael Schafer spoke about kicking the can down the road. That's never speaking on my own behalf, that's certainly never been the case or the intention. This is a very complicated legal issue, which requires a careful and prudent approach for the benefit of our residents and our taxpayers.

So, with that, I'd like to call for the vote, and all those in favor, please indicate by aye. That motion passes unanimously. Thank you very much.

That concludes our business for the Special Meeting, so at this point I will move to adjourn the Special Meeting, and we'll go ahead and reopen or open I should say

Councilwoman McAllen: Second.

Mayor Borowsky: All in favor?

ADJOURNMENT

[Time: 00:16:32]