

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

## **SPECIAL MEETING AND POSSIBLE EXECUTIVE SESSION**

### **NOTICE AND AGENDA**



#### **COUNCIL**

David D. Ortega, Mayor

Tammy Caputi

Tom Durham

Barry Graham

Betty Janik

Kathleen S. Littlefield

Solange Whitehead

**Tuesday, August 20, 2024**

*City Council meetings are also televised on Cox Cable Channel 11 and streamed online at [ScottsdaleAZ.gov](https://www.scottsdaleaz.gov) (search "live stream") to listen/view the meeting in progress.*

#### **Notice of Possible Executive Session:**

*Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Scottsdale City Council and to the general public that the Scottsdale City Council will hold a Special Meeting at 2:00 p.m. on Tuesday, August 20, 2024 in the City Hall Kiva Forum, 3939 N. Drinkwater Boulevard. Item No.1 on the Special Meeting agenda is for the Scottsdale City Council to consider whether to go into Executive Session. If authorized by a majority vote of the Scottsdale City Council, the Executive Session will be held immediately after the vote and will not be open to the public.*

**2:00 P.M.**

**MARKED AGENDA**

#### **CITY COUNCIL SPECIAL MEETING AND POSSIBLE EXECUTIVE SESSION NO. 1**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 2:00 P.M.**

**Roll Call – All Present**

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

#### **1. Request for Executive Session to:**

- A. Discuss and consult with the City's attorneys for legal advice; discuss and consult with the City's designated representatives to consider its position and to instruct its representatives regarding *Lane, et al. v. City of Scottsdale, et al.*, Court of Appeals Division One Case No. 1 CA-CV 24-0545 EL, Maricopa County Superior Court Case No. CV2024-015767. A.R.S. § 38-431.03(A)(3) and (4).

If authorized by a majority vote of the Scottsdale City Council, the executive session will be held immediately after the vote and will not be open to the public.

**– Mayor Ortega noted there was no motion made for an Executive Session.**



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).

2. [Lane, Et. Al. v. City of Scottsdale](#)

**Request:** Discuss, consider, and take possible actions related to the defense of the case entitled *Lane, et al. v. City of Scottsdale, et al.*, Court of Appeals Division One Case No. 1 CA-CV 24-0545 EL, Maricopa County Superior Court Case No. CV2024-015767, which challenges the ballot language the City approved in Resolution No. 13092, related to the City's tax rates, including but not limited to, the potential amendment of Resolution No. 13092.

**Staff Contact(s):** Sherry Scott, City Attorney, 480-312-2405, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)

**NOTE:** Mayor Ortega requested Item 2 [*Lane, Et. Al. v. City of Scottsdale*] be presented before Item 1 [Request for Executive Session].

- City Attorney Sherry Scott gave a PowerPoint presentation on *Lane, Et. Al. v. City of Scottsdale*.
- Mayor Ortega opened public comment on this item.
- James Haxby, Scottsdale resident, encouraged the Council to take no action on the proposed revisions to the ballot language, expressing concerns about not being able to file new ballot measure arguments, funding sources, and a possible budget shortfall.
- Adam Kwasman, Scottsdale resident and former Arizona State legislator, expressed concerns about the proposed ballot language revisions, the process for considering those revisions, and the precedent this process was setting.
- Mark Sonnenklar, Scottsdale resident, expressed concerns about the City's publicity pamphlet, the 90-day period for filing ballot measure arguments, and what would be done with arguments that had already been filed.
- Bob Pejman, Scottsdale resident, expressed concerns about the Special Meeting start time, the 90-day period for filing ballot measure arguments, and what would be done with arguments that had already been filed.
- Carla, Scottsdale resident, expressed support for revising the ballot language and allowing residents the right to vote on the ballot measure, noting she believed that most of the filed arguments only needed minor or no revisions.
- Mary Manross, Scottsdale resident and former Scottsdale Mayor, expressed support for allowing residents the right to vote on the ballot measure, noting this has been a multi-year effort to bring this measure to the ballot involving residents throughout the City.
- Mayor Ortega closed public comment on this item.
- Councilwoman Janik moved to approve Resolution No. 13092, with amendments to the ballot measure language as reflected in today's meeting materials and presentation, and that the City direct staff to submit the revised ballot measure to Maricopa County for inclusion on the November 2024 Ballot. Councilwoman Whitehead seconded the motion.
- Vice Mayor Graham made an alternate motion to remove all references to expiring 0.20% tax and replace that language with a date certain. Councilwoman Littlefield seconded the motion, which failed 2/5, with Vice Mayor Graham and Councilwoman Littlefield voting in the affirmative and Mayor Ortega and Councilmembers Caputi, Durham, Janik, and Whitehead dissenting.

- Councilmember Durham made a motion to call the question, which failed 3/4, with Mayor Ortega and Councilmembers Durham and Janik voting in the affirmative and Vice Mayor Graham and Councilmembers Caputi, Littlefield, and Whitehead dissenting.
- City Attorney Sherry Scott noted the City will make the necessary adjustments to the publicity pamphlet and will allow those who previously submitted Proposition 490 ballot measure arguments the opportunity to make revisions in light of the amended ballot language.
- Mayor Ortega made a motion to call the question, which carried 6/1, with Mayor Ortega; Vice Mayor Graham; and Councilmembers Caputi, Durham, Janik, and Littlefield voting in the affirmative and Councilwoman Whitehead dissenting.
- The Council then voted on Councilwoman Janik’s original motion to approve Resolution No. 13092, as amended, which carried 4/3, with Mayor Ortega and Councilmembers Durham, Janik, and Whitehead voting in the affirmative and Vice Mayor Graham and Councilmembers Caputi and Littlefield dissenting.

**Adjournment – 3:20 P.M.**

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