

SCOTTSDALE

CITY COUNCIL MEETING

SPECIAL MEETING AND POSSIBLE EXECUTIVE SESSION

NOTICE AND AGENDA



COUNCIL

Lisa Borowsky, Mayor

Jan Dubauskas

Barry Graham

Adam Kwasman

Kathleen S. Littlefield

Maryann McAllen

Solange Whitehead

Monday, November 17, 2025

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

In-person spoken public comment is being accepted on Items 2-5. To sign up to speak on this item, 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-Agended 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](#).

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 public that the Scottsdale City Council will hold a Special Meeting at 3:00 p.m. on Monday, November 17, 2025, in the City Hall Kiva Forum, 3939 N. Drinkwater Boulevard for the purpose of deciding 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. The agenda for the meeting is as follows:

3:00 P.M.

MARKED AGENDA

CITY COUNCIL SPECIAL MEETING AND POSSIBLE EXECUTIVE SESSION

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).

Call to Order – 3:03 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 and to consider its position and give possible instruction regarding *Taxpayers Against Awful Apartment Zoning Exemptions, et al. v. State of Arizona, City of Scottsdale, et al.*, CV2025-034961; other matters related to Senate Bill 1543; Development Agreement No. 2020-138-COS, including its amendments; a proposed Memorandum of Understanding between the City and Axon; proposed Ordinance No. 4697 relating to a self-certification and third-party certification program for qualified international headquarters campuses; and proposed Ordinance No. 4698 relating to the repeal of Zoning Ordinance No. 4658. 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.

– Councilwoman Whitehead made a motion to recess into Executive Session to discuss and consult with the City's attorneys for legal advice and to consider its position and give possible instruction regarding *Taxpayers Against Awful Apartment Zoning Exemptions, et al. v. State of Arizona, City of Scottsdale, et al.*, CV2025-034961; other matters related to Senate Bill 1543; Development Agreement No. 2020-138-COS, including its amendments; a proposed Memorandum of Understanding between the City and Axon; proposed Ordinance No. 4697 relating to a self-certification and third-party certification program for qualified international headquarters campuses; and proposed Ordinance No. 4698 relating to the repeal of Zoning Ordinance No. 4658. Councilwoman McAllen seconded the motion, which carried 7/0, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers Dubauskas, Graham, Littlefield, McAllen, and Whitehead voting in the affirmative.

– Mayor Borowsky recessed the Special Meeting (to Executive Session) at 3:05 P.M.

– Mayor Borowsky reconvened the Special Meeting (following Executive Session) at 3:33 P.M. noting the Councilmembers were present and the Charter Officers were in attendance.

2. Memorandum of Understanding (MOU) – Axon World Headquarters Campus

Request: Adopt **Resolution No. 13567** authorizing Contract No. 2025-195-COS, a Memorandum of Understanding (MOU) between the City and Axon Enterprise, Inc. The MOU outlines the terms for development of Axon's international headquarters campus, including:

- Reduction of the total number of residential units previously approved from 1,882 apartments to 750 apartments and 750 condominiums for a total of 1,500 residential units.
- Phased construction of office, manufacturing, hotel and residential components.
- Affordable housing provisions.
- Infrastructure commitments (roads, trails and utilities).
- Access to a Real-Time Crime Center.
- Use of third-party permitting and inspection processes.

Staff Contact(s): Luis Santaella, Interim City Attorney, 480-312-2405, lsantaella@scottsdaleaz.gov

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- Interim City Attorney Luis Santaella gave a presentation on the Memorandum of Understanding (MOU) – Axon World Headquarters Campus.
- Mayor Borowsky opened public comment on this item.
- Andrew Wollman, Scottsdale resident, spoke in opposition of this item and discussed concerns with the proposed self-certification program.
- Barbara Burns, Scottsdale resident, spoke in support of this item and noted other successful development projects in Scottsdale.
- Dan Ishac, Scottsdale resident, spoke in support of this item and discussed a possible conflict of interest with a Councilmember.
- Gail Golec, Scottsdale resident, spoke in opposition of this item and discussed concerns related to an assured water supply.
- Leslie Lerman, Scottsdale resident, spoke in support of this item and requested the City Council honor certain items not included in the Memorandum of Understanding.
- Tim LaSota, attorney for Taxpayers Against Awful Apartment Zoning Exemptions, spoke in opposition of Items 2 [Memorandum of Understanding (MOU) – Axon World Headquarters Campus] and 3 [Self-Certification and Third-Party Certification Program Ordinance].
- Gabby Hitchcock, Scottsdale resident, spoke in opposition of this item and urged the City Council to join the Taxpayers Against Awful Apartment Zoning Exemptions lawsuit.
- Josh Isner, Axon Chief Operating Officer, spoke in support of this item and discussed the reduction in apartments and a possible conflict of interest with a Councilmember.
- Steve Sutton, Scottsdale resident, discussed a possible conflict of interest with a Councilmember.
- Mayor Borowsky closed public comment on this item.
- Mayor Borowsky made a motion to recess the Special Meeting. Vice Mayor Kwasman seconded the motion, which carried 7/0, by voice vote, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers Dubauskas, Graham, Littlefield, McAllen, and Whitehead voting in the affirmative.
- Mayor Borowsky recessed the Special Meeting at 4:20 P.M.
- Mayor Borowsky reconvened the Special Meeting at 5:10 P.M.
- Councilman Graham made a motion strike MOU Section 19, relating to having a City Councilmember serve as the liaison to Axon. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers Dubauskas, Graham, Littlefield, McAllen, and Whitehead voting in the affirmative.
- Vice Mayor Kwasman made a motion to Adopt Resolution No. 13567 authorizing Contract No. 2025-195-COS, a Memorandum of Understanding between the City and Axon Enterprise, Inc. as previously amended by the last amendment and with the following modifications: Section 6 – reduce the total number of units from 1,500 units to 1,200 units; of the 1,200 units, 600 will be apartments and 600 will be condominiums. The first phase will be 500 apartments and 100 condominiums. The

second phase will be 100 apartments and 500 condominiums as designated in the MOU. Furthermore, there will be an appropriate proportional reduction in commercial space to align with the reduction in residential building space. Additionally, the City Council authorizes the City Manager and the Interim City Attorney to make conforming changes consistent with this modification. Councilwoman Whitehead seconded the motion, which carried 4/3, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers McAllen and Whitehead voting in the affirmative and Councilmembers Dubauskas, Graham, and Littlefield dissenting.

3. **Self-Certification and Third-Party Certification Program Ordinance**

Request: Adopt **Ordinance No. 4697** authorizing the establishment of a self-certification and third-party certification program for qualified international headquarter campuses. The proposed ordinance:

- Enables licensed professionals (architects and engineers) to certify plans and inspections.
- Applies only to projects qualifying under Arizona Revised Statutes Section 9-461.19.
- Includes provisions for City oversight, audit rights, and enforcement.
- Is proposed to sunset on January 1, 2035, unless extended.

Staff Contact(s): Luis Santaella, Interim City Attorney, 480-312-2405, lsantaella@scottsdaleaz.gov

– Mayor Borowsky opened public comment on this item.

– Gail Golec, Scottsdale resident, spoke in opposition of this item and discussed concerns related to an assured water supply.

– Mayor Borowsky closed public comment on this item.

– Councilwoman McAllen made a motion to adopt Ordinance No. 4697 authorizing the establishment of a self-certification and third-party certification program for qualified international headquarter campuses. The proposed ordinance:

- Enables licensed professionals (architects and engineers) to certify plans and inspections.
- Applies only to projects qualifying under Arizona Revised Statutes Section 9-461.19.
- Includes provisions for City oversight, audit rights, and enforcement.

Councilwoman Whitehead seconded the motion, which carried 4/3, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers McAllen and Whitehead voting in the affirmative and Councilmembers Dubauskas, Graham, and Littlefield dissenting.

4. **Repeal of Ordinance No. 4658 related to the Axon Rezoning (13-ZN-2020#2)**

Request: Adopt **Ordinance No. 4698** amending Ordinance No. 455, the Zoning Ordinance of the City of Scottsdale and authorizing the repeal of Zoning Ordinance No. 4658, which would restore the prior zoning designation (I-1 PCD) for ±44.7-acre-site located at 8300 E. Axon Way.

Staff Contact(s): Luis Santaella, Interim City Attorney, 480-312-2405, lsantaella@scottsdaleaz.gov

– There was no public comment on this item.

– Councilwoman Whitehead made a motion to adopt Ordinance No. 4698 amending Ordinance No. 455, the Zoning Ordinance of the City of Scottsdale and authorizing the repeal of Zoning Ordinance No. 4658, which would restore the prior zoning designation (I-1 PCD) for ±44.7-acre-site located at 8300 E. Axon Way. Vice Mayor Kwasman seconded the motion.

– Councilman Graham made an alternate motion to continue the item to a future City Council meeting. Councilwoman Dubauskas seconded the motion, which failed 3/4 with Councilmembers

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Dubauskas, Graham and Littlefield voting in the affirmative and Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers McAllen and Whitehead dissenting.

The Council then voted on Councilwoman Whitehead's motion, which carried 4/3 with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers McAllen and Whitehead voting in the affirmative and Councilmembers Dubauskas, Graham and Littlefield dissenting.

5. Litigation Authorization

Request: Authorize the Interim City Attorney, and/or his designees, to file any appropriate counter claim(s), cross claim(s), and third-party claim(s) in *Taxpayers Against Awful Apartment Zoning Exemptions, et al. v. State of Arizona, City of Scottsdale, et al.*, CV2025-034961.

Staff Contact(s): Luis Santaella, Interim City Attorney, 480-312-2405, lsantaella@scottsdaleaz.gov

– There was no public comment on this item.

– Vice Mayor Kwasman made a motion with two conditions to authorize the Interim City Attorney, and/or his designees, to file any appropriate counter claim(s), cross claim(s), and third-party claim(s) in *Taxpayers Against Awful Apartment Zoning Exemptions, et al. v. State of Arizona, City of Scottsdale, et al.*, CV2025-034961 unless the Memorandum of Understanding is signed by Axon Enterprises by the close of business on November 19, 2025 and Axon delivers a signed Proposition 207 Waiver by the close of business on November 19, 2025. Councilwoman Whitehead seconded the motion.

– Councilman Graham made an alternate motion to delete the two conditions. Councilwoman Littlefield seconded the motion, which failed 3/4 with Councilmembers Dubauskas, Graham and Littlefield voting in the affirmative and Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers McAllen and Whitehead dissenting.

The Council then voted on Vice Mayor Kwasman's motion, which carried 4/3, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers McAllen and Whitehead voting in the affirmative and Councilmembers Dubauskas, Graham and Littlefield dissenting.

Adjourn Special Meeting – 6:21 P.M.

– Mayor Borowsky made a motion to adjourn the Special Meeting. Councilwoman Whitehead seconded the motion, which carried 7/0, by voice vote, with Mayor Borowsky; Vice Mayor Kwasman; and Councilmembers Dubauskas, Graham, Littlefield, McAllen, and Whitehead voting in the affirmative.