

## COGS Candidate Questionnaire

Instructions: Please fill out the information requested and return it by **May 4, 2020** via email to: [cogspc1@gmail.com](mailto:cogspc1@gmail.com). Upon receipt of your completed questionnaire, you may be contacted to schedule an appointment for an interview with the COGS Political Committee.

*Your complete and unedited responses will be posted on the informational COGS website for public review, along with those of the other candidates. Please keep your answers brief.* However, if you need more space the box will expand to accommodate you. If needed, please continue on an additional page.

No.	Question	Response
1.	<b>Demographics</b>	
1.a.	Name	Tom Durham
1.b.	Address	8892 East Buckskin Trail 85255
1.c.	Phone	480-219-7324
1.d.	Years in Scottsdale	5 years as a permanent resident; 1 year prior as part-time
1.e.	When did you register to vote in Scottsdale? Have you failed to vote in any Scottsdale or General Election since you registered?	Registered to vote in 2016, I don't think I have failed to vote since then.
1.f.	Have you been elected or appointed to City positions including City Task Forces, Boards, Committees or Commissions? If so, please list.	No
1.g.	Please list any Civic Activities or organizations you belong to.	Treasurer of Protect Our Preserve PAC; member of Church of the Nativity; volunteer mock trial coach at Sandra Day O'Connor High School for five years; Board of Trustees of Cornell College for ten years, currently Chair of the Audit and Risk Assessment Committee, formerly Secretary of the College and Chair of the Governance Committee
1.h.	Education/Training	B.A. Cornell College, Mt. Vernon, Iowa, Phi Beta Kappa, <i>magna cum laude</i> ; J.D. New York University School of Law, Research Editor, <i>Review of Law and Social Change</i>
1.i.	Current Occupation or Pre-Retirement	Partner at Mayer Brown LLP, an international law firm, retired in 2015
1.j.	Other personal information that you would like to share:	My wife Martha is a Deacon at Church of the Nativity; married for 36 years with two sons
2.	<b>Campaign Information</b>	
2.a.	Address	8892 East Buckskin Trail 85255
2.b.	Phone	480-219-7324
2.c.	Fax	
2.d.	Web-site address	durhamforthecitizens.com
2.e.	E-Mail address	durhamforthecitizens@gmail.com
2.f.	Endorsements	Mary Manross Kathy Littlefield

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		Howard Myers
3.	Why have you decided to become a candidate for City Council?	I became involved in Scottsdale politics when I served as Treasurer of the Protect Our Preserve PAC. I was opposed to the construction of the Desert Discovery Center for two reasons. First, it was contrary to the City Charter, which prohibits development in the Preserve. Second, it was contrary to the will of the citizens. I was dismayed that a majority of the Council supported the Desert Discovery Center under these conditions. Since that time, I have continued to follow the City Council's actions on the Marquee, Southbridge 2, and other developments, and it appears to me that the majority of the Council routinely ignores the desires of citizens while supporting developers and their projects. The Council Majority regularly supports developers on upzoning requests and often ignores the wishes of citizens. If elected to the Council, I would be a voice for citizens on the Council.
4.a	Identify 3 major issues facing the Council.	-How to manage growth -Financial pressures resulting from COVID 19 -Creating a greater sense of community
4.b	Identify 3 major issues facing the City.	-Restoring small business in the wake of COVID 19 -Restoring tourism in the wake of COVID 19 -Growing in a manner consistent with citizens' expectations and desires
5.	If elected, what would you like to accomplish?	I would like to see Scottsdale grow in a manner which respects its unique character. To me, this means a greater emphasis on high tech jobs and jobs in the biotech area which require less of a footprint, so that we can grow without adding too much height and density. If we want good jobs to come here, Scottsdale must remain as a great place to live.
6.	Are there matters that may come before the City Council in which you would have a Conflict of Interest?  If yes, what would the conflicting issues be?	X No <input type="checkbox"/> Yes
7.	<b>Identify citizen/city processes that you believe need to be:</b>	
7.a.	Created	-Planning committee for bicycle use. The City has reached out to citizens on occasion but I would like to see a permanent committee
7.b.	Improved	-We need greater citizen input in the General Plan process -Better and more citizen input in City commissions
7.c.	Reduced	I am generally in favor of more citizen input at all levels so I don't see any areas in which citizen input needs to be reduced or eliminated.
7.d.	Eliminated	

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8.	<b>Please state your position and/or action on the following zoning and land use issues:</b>	
8.a	<b>What is your position on citywide rezoning requests, text amendments, and General Plan Amendments that significantly change land use or increase height and/or density, especially in proximity to low-scale residential neighborhoods?</b>	I believe that zoning is a promise to citizens concerning the type of environment in which they live. Scottsdale currently provides a wide variety of living arrangements, from horse farms to condos. I think it should continue to provide this variety and ensure citizens' rights to determine their living arrangements. Therefore I am opposed to broad changes that significantly change land use and allow greater height and density, as these represent a breach of trust with citizens. There may be some rare cases where a clear and compelling public benefit requires changes, but these will be few and far between.
8b	<p>Typically, zoning entitlements are granted based on a promise to build to a specified development plan, with defined stipulations, that presumably provides some benefit to the city. Once granted, if the property is sold, the new owner does not have to build what was originally promised in exchange for the entitlements.</p> <p><b>Would you support conditioning zoning change approvals on building exactly what was promised, and if it wasn't, the zoning would revert back to the original restrictions?</b></p> <p><b>If not, how would you hold the property owner, and any subsequent owners, to the plan promised in order to get the change?</b></p>	<p>Yes, I would condition zoning change approvals on keeping to the plans as promised, with reversion back to the original restrictions for a new owner.</p> <p>As I indicated above, I view zoning as a promise to citizens concerning the future of their environment. Therefore, citizens should be entitled to rely on current zoning, absent a clear and compelling public benefit to the new zoning. Therefore, zoning should revert to the original restrictions in the situation described.</p>
8.c	<p>Recently, Scottsdale Fashion Square redevelopment was granted significant increases in height, without the location(s) for the height increase being identified.</p> <p><b>What is your opinion of this type of open-ended provision?</b></p> <p>Scottsdale Fashion Square contributes about \$13 million and 7% of the sales tax collected in Scottsdale.</p> <p><b>What are your recommendations to maintain SFS's viability and tax revenue stream?</b></p>	<p>Height increases can obviously impact the surrounding neighborhood, by casting shadows, blocking views, etc. Thus, there should be certainty in the nature of the changes before they are allowed, otherwise the results will be unpredictable and detrimental. Any changes should minimize the impact on the surrounding community.</p> <p>In general, for the reasons I have expressed above, citizens should be able to rely on current zoning except when changes are necessary in a case of clear and compelling public interest. Therefore, I would always oppose open-ended provisions.</p> <p>I think the management of Fashion Square is in the best position to maintain its viability. Therefore, I would keep clear lines of communication with them to ensure they have what they need. Parking can be an issue during the busier times of year and possibly the city could assist in this area.</p>

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8.d	<p>In “The Outpost” project, rezoning case, rural land was rezoned to commercial adjacent to resident large lot rural lands, against staff recommendations, breaking with a longstanding policy prohibiting such rezoning.</p> <p><b>What impact do you believe this action had and will on similar future rezoning cases?</b></p>	<p>As I have stated above, I am opposed to zoning changes which change the settled expectations of neighbors. This is particularly true when the staff opposes such changes. In the Marquee and Southbridge 2 cases, the City Staff criticized these developments as breaching the Urban Design and Architectural Guidelines. The Council should listen to the staff--that is what they are there for.</p> <p>The zoning for the Outpost should not have been changed, as it brings commercial development into an area set aside for rural atmosphere. I would hope this case does not set a precedent and would not support such types of rezoning.</p>
8.e.	<p><b>What is your position on the prompt and precise enforcement of the conditions and stipulations prescribed in a Conditional Use Permit?</b></p> <p><b>What is your position on the revocation of a Conditional Use Permit whose holder was not in compliance with all major CUP conditions and stipulations that negatively impact neighbors?</b></p>	<p>The conditions and stipulations in a Conditional Use Permit must be strictly enforced if they have a material effect on the city or citizens. If due to unforeseen circumstances, compliance becomes impossible or extremely difficult, reopening negotiations could be permissible. But any resulting changes should protect the city and neighbors to the same extent as the original conditions and stipulations.</p> <p>If a developer is not in compliance. the City should discuss the reasons for noncompliance with the developer and attempt to remedy the noncompliance. But if the noncompliance cannot be remedied and has a material negative impact on the City and neighbors and citizens, the Conditional Use Permit should be revoked.</p>
8.f.	<p>Identify any impacts (good and bad) upon the city with the addition of numerous multi-family/apartment complexes citywide and the continued rezoning of single-family parcels into multi-family parcels.</p> <p><b>How do you think the changing demographics of our residents will impact future demand for housing types?</b></p> <p><b>How will it impact what you believe the majority of residents want their city to be?</b></p>	<p>We need more housing which is affordable to those entering the workforce and to lower income residents. Apartments are a logical method of meeting this need. But in recent years, some of these apartment complexes have become huge, sprawling developments which are detrimental to the overall look of Scottsdale. They also result in significant increases to traffic.</p> <p>There have been recent claims that we need more family centered development. I am not convinced of the accuracy of these claims, Some recent developments, such as Windgate, are quite suitable for families.</p> <p>I think the desires of citizens should control the types of housing citizens want, and we should not let demands for growth turn into changes opposed by citizens.</p>
8.g.	<p><b>Would you support a designated Entertainment District with its own unique Noise and Event Ordinances?</b></p> <p><b>What should be done to protect adjacent neighborhoods?</b></p>	<p>Yes, I would support such a district. Sound mitigation measures should be required as appropriate. These could include sound meters surrounding the area and sound absorbent barriers where needed, especially in outdoor areas.</p> <p>Owners in the area should be required to pay the costs of hiring a sufficient number of security guards to patrol the area and to assist in noise enforcement.</p>

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8.h.	<p>Scottsdale is currently reviewing the existing noise ordinance. <b>What changes, if any, would you recommend to the existing allowable noise levels and ordinance?</b></p>	<p>Greater emphasis on excess noise from vehicles.</p>
8.i	<p>Currently, all rural land parcels, regardless of size are in a single category of "Rural", allowing a five-acre zoning to be rezoned to one-acre parcels with only a <b>Minor General Plan Amendment (simply majority of council needed)</b>.</p> <p><b>Do you support a change to the General Plan Update to create the 2 Rural zoning categories-</b></p> <p><b>1] parcels of 1 to less than 5 acres</b></p> <p><b>2] parcels of 5 acres or more,</b></p> <p><b>requiring a MAJOR General Plan Amendment and super majority vote to subdivide a 5 acre or greater parcel? Why or why not?</b></p>	<p>Yes, I would support such a change. Scottsdale should continue to provide a wide variety of living conditions. This should include horse farms for people who would like this environment. Once subdivided into 1 acre parcels, it will be next to impossible to restore these parcels to larger sizes. So I would support a provision requiring a major general plan amendment to subdivide 5 acre parcels.</p>
9.	<p>There are not enough Preserve tax funds remaining to allow acquisition of all the remaining land within the voter approved McDowell Sonoran Preserve Boundary.</p> <p><b>Should the city council determine if citizens want to complete the Preserve and if so how to pay for it?</b></p> <p><b>If not, how do you propose utilizing the remaining and future dedicated Preserve funds?</b></p>	<p>I think the Council should attempt to determine if citizens want to complete the purchase of the remaining land. Sales taxes would be the obvious vehicle for purchasing additional land, but an increase in sales tax might be unpopular, particularly in the present environment following COVID 19.</p> <p>If purchase of the remaining land is not feasible, the Preserve funds should be used for maintenance of the Preserve. It is my understanding that the funds cannot be used for maintenance at the present time and a change in the law would be required for these funds to be used for maintenance of the preserve.</p>
10.	<p><b>Please state your position and/or action on the General Plan:</b></p>	
10.a	<p><b>What is your vision for the city?</b></p> <p><b>What should Scottsdale look like in 10, 20, or 30 years from now?</b></p>	<p>My wife and I decided to move to Scottsdale after a four day visit in 2013. I want to maintain the qualities which drew us to Scottsdale--the Preserve, the open skies, the open spaces, the zoning which encourages growth consistent with the desert landscape. I hope Scottsdale never loses these qualities. Scottsdale will certainly grow over the next 30 years, but we must work to maintain these qualities which attracted so many people to live here. If we don't maintain these qualities, it will be hard to attract jobs unless people want to live here.</p>
10.b	<p><b>How should the city grow to remain desirable and become and remain sustainable?</b></p>	<p>I would emphasize high tech and biotech jobs and growth over large corporate offices. Scottsdale has been ranked as the #1 job market in the U.S, and it has achieved this enviable ranking without large, dense office towers which would detract from Scottsdale's quality of life. I was opposed to the Marquee building, because it was entirely too massive</p>

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		for the designated location on Scottsdale Road. The City staff agreed, but the City Council ignored the staff's advice. . In the wake of COVID 19, large Class A office space may be in less demand.
10.c	<p>Scottsdale voters have not approved an updated General Plan since 2001.</p> <p><b>Why do you believe the prior updates have failed?</b></p>	<p>The first attempt failed because it was not sufficiently responsive to citizens, particularly with respect to preservation of lots of five acres or more.</p> <p>My understanding is that the second attempt was not submitted to the citizens because a majority on the Council believed it gave too much power to the citizens, by requiring a supermajority to major zoning changes.</p>
10.d	<p>The city council, in a study session, shelved the Citizens' Task Force 2012-2014 draft update and did not submit it to the voters.</p> <p>They approved the 2001 GP plus the required AZ state elements without a public vote to be used during a new draft 2035 attempt.</p> <p>In 2020 one member from specific city council-appointed boards and commissions were selected for a <b>General Plan Review Committee</b> who are meeting online.</p> <p><b>What recommendation do you have for the success of this 2035 final draft? What do you project will be its weaknesses?</b></p>	<p><b>I believe it is a mistake to limit participation in the General Plan Review Committee to members of Council-appointed boards and commissions. Since these members were appointed by the Council, they will inevitably share the Council's views. If the Council wants this process to be successful, they must include more viewpoints from citizens who represent the community and its diverse viewpoints.</b></p> <p><b>I think the current process will not meet with citizen approval unless it provides greater input for the citizens at large.</b></p>
11.	<b>Please state your position and/or action on the following finance issues:</b>	
11.a	<p>The COVID-19 pandemic has taken a severe toll on Scottsdale's finances, businesses, and tourism industry. While an exact dollar figure is not yet available, we know it is in the millions.</p> <p><b>What ideas do you have to:</b></p> <p><b>1] restructure the city budget with respect to budget cuts or other financial stop gaps?</b></p> <p><b>2] revive our economy, business, and tourism amidst pandemic fears?</b></p> <p><b>3] support small businesses as they struggle to re-open?</b></p> <p><b>4] create a sustainable budget?</b></p>	<p>In creating a sustainable budget, the primary focus of the budget should be placed on the City's most important job, which is keeping citizens safe. So I would oppose across the board cuts and would be more surgical. Citizen safety is most important, so I would fund police, fire, and other similar functions. This will obviously put budget pressure on other areas, since police and fire form a large part of the budget. This pressure will require an examination of staff positions and salaries. Many people in Scottsdale are suffering from reduced income, so the staff should not be exempt from these pressures.</p> <p>We will obviously have to re-examine spending priorities from the recent successful bond proposal.</p> <p>Experience Scottsdale has already made budget cuts, which is appropriate under the circumstances. But the City should work closely with Experience Scottsdale to make sure they have adequate resources.</p> <p>The City should form communication lines with small businesses to see if there are ways the City can alleviate unintended burdens.</p>
11.b	<b>Do you support using taxpayer funds to subsidize or enter private-public partnerships for private sector investments such</b>	<p>I would generally oppose these types of investments unless they provided a clear and compelling benefit to the public. One possible use of such partnerships could be for low-income housing.</p>

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	<b>as buildings, stadiums, promoted events, etc.?</b>	
11.c	<p>At present, the City has awarded multimillion-dollar contracts to the Scottsdale Cultural Council and Experience Scottsdale without going through a bid process.</p> <p><b>Are you for or against continuing this practice and why?</b></p>	<p>I am against the use of no-bid contracts because, in most cases, they don't produce the best value for citizens. While Experience Scottsdale has done great work for Scottsdale, some have questioned the salaries of its staff. Eliminating no-bid contracts would ensure we are getting the best value for our money and encourage Experience Scottsdale to monitor its salaries.</p>
12.	<b>Please state your position and/or action on the following transportation questions:</b>	
12.a	<b>What solutions would you have for the current traffic congestion problems occurring throughout the City (types of mass transit, traffic control devices, etc.)?</b>	<p>I don't think light rail is the answer, although I would listen carefully to the pros and cons.. Throughout my legal career, I regularly worked with experts to determine solutions. I think that this is an area where the City should seek expert advice to guide solutions.</p>
12.b	<p>Within the Downtown area, the city has charged in-lieu parking fees when a developer had not provided enough real parking spaces. These phantom spaces have been used repeatedly instead of actual parking availability. It was generally assumed these fees would be used at some point to build a parking facility. However, that apparently was not the case, as the city cannot account for these funds as they were not placed into a separate budget line or fund.</p> <p><b>How do you propose to deal with Downtown parking issues and the use of in-lieu parking fees?</b></p>	<p>The use of in-lieu parking fees has not worked for the reasons stated in the question, which is that the City cannot account for these fees. A more comprehensive review should be done of parking needs downtown. This should be done with the use of new technology to track parking spots and guide drivers to these spots, possible with the use of apps and electronic signs posted outside the garages to indicate open spaces. Some garages use colored lights to indicate open spots and make the search process easier. Old fashioned technology such as better signs would also be useful.</p>
13.	<b>Please state your position and/or action on the following questions:</b>	
13.a	<b>What steps would improve Public Safety to reduce impaired driver/pedestrian traffic deaths in our downtown?</b>	<p>Enforce speed limits on Scottsdale Road. Place containers of brightly colored flags at critical crosswalks to be used by pedestrians as they cross the street. The flags can be put back in the container on the opposite side of the street after crossing. Examine timing of stoplights and walk signals.</p>
13.b	<p>Residents citywide have expressed concern about the lack of responsiveness or fine enforcements by of the Code Enforcement department.</p> <p><b>How would you improve this situation?</b></p> <p><b>Designate a specific contact person in the City staff as a contact point for Code Enforcement.</b></p>	

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13.c	<p><b>Do you believe that the mindset of your supporters and contributors is representative of Scottsdale residents' values and vision?</b></p> <p><b>If so, why?</b></p> <p><b>If not, why?</b></p>	<p>Yes. I served as the Treasurer of the Protect Our Preserve PAC, which pur Proposition 420 on the ballot. One of the reasons I served in this role was I was convinced that citizens did not want the Desert Discovery Center and citizens rejected it by an overwhelming margin.</p> <p>Also, in collecting signatures for my City Council petitions, I found that most citizens agreed with my position of thoughtful growth which preserves and enhances Scottsdale's character. Most citizens are concerned about increasing height and density in Scottsdale.</p>
14.	<b>Identify city services that you believe need to be:</b>	
14.a	Created	-More low income housing.
14.b	Improved	While Scottsdale already has a reputation as a bike friendly community, I believe more can be done to enhance and publicize this aspect. The new bike center at Gentry on the Green will be a good start. I think this would be a great addition to our tourism reputation.
14.c	Reduced	In the wake of COVID 19, we will need to keep a sharper eye on all areas of the budget.
14.d	Eliminated	
15	<b>Identify city revenue sources that should be:</b>	
15.a	Created	I believe that our current sources of income are relatively well balanced. We have low property taxes, moderate sales taxes (although increased to buy the Preserve), and bed taxes. I would be willing to raise sales taxes to buy the remaining portions of the Preserve, if this were supported by the citizens. I oppose the recent move to reduce the food tax particularly in the wake of COVID 19
15.b	Increased	See above
15.c	Reduced	See above
15.d	Eliminated	See above
16.	Is there anything in your background that you would not like publicized on the front page of local newspapers?	X No <input type="checkbox"/> Yes (If yes, please explain)



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17.	Additional Comments:	
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Signature

Tom Durham

May 4, 2020

Please type your name for your electronic signature.

Thank you for your time and careful consideration of each response.

Please email your completed questionnaire by May 4, 2020 to:

**ALL completed candidate's questionnaires will be posted on the COGS website at [www.cogsaz.net](http://www.cogsaz.net)**