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CALL TO ORDER

[Time: 00:00:01]

Mayor Lane: With that, I will call to order the Regular meeting of July 1, 2014, it's approximately 5:20. I apologize for the delay. We will start with the roll call, please.

ROLL CALL

[Time: 00:00:13]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Guy Phillips.

Vice Mayor Phillips: Here.

Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

Carolyn Jagger: Bob Littlefield.

Councilman Littlefield: Here.

Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

Carolyn Jagger: Dennis Robbins.

Councilman Robbins: Here.

Carolyn Jagger: City Manager Fritz Behring.

Fritz Behring: Here.

Carolyn Jagger: City Attorney Bruce Washburn.

Bruce Washburn: Here.

Carolyn Jagger: City Treasurer Jeff Nichols.

Jeff Nichols: Here.

Carolyn Jagger: City Auditor Sharron Walker.

Sharron Walker: Here.

Carolyn Jagger: And the Clerk is present.

[Time: 00:00:41]

Mayor Lane: Thank you very much. Some items of business. We do have cards if you would like to speak on any of the items. They are the white cards the City Clerk is holding up over her head right now and we do have yellow cards if you would like to give us some written comments on any of the items on the agenda which we will read in the course of the meeting. We have Scottsdale Police officers Dave Schurr and Jason Glenn here to assist you. If you have any need for their services they are almost directly in front of me. This is the first night that we will not have Greg Carlin. He retired today. That was a sad moment, but at the same time a glorious one for him. I understand he's going to write a book about Scottsdale's Robert's Rules. And he spent a lot of time in these chambers and I think he knows it better than we do. But in any case, we want to congratulate him on his retirement, but welcome, certainly. The areas behind the Council dais are for Council and staff.

There are facilities to my left under that exit sign for your convenience.

PLEDGE OF ALLEGIANCE

[Time: 00:01:47]

Mayor Lane: And then we will start the evening off with the Pledge of Allegiance and we are pleased to welcome the Scottsdale Youth Corps of volunteers. They are from all over Scottsdale and are spending their summer volunteering in the community. And they are here with us in the city through a program coordinated in our Parks and Recreation department. We appreciate your volunteer service, and hope you are enjoying your experience, inclusive of tonight. So if you are all ready, we can move to the microphone and you will lead us in the pledge, if you would be so kind. If you can, please stand.

Youth Corps Volunteers: 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 Lane: Thank you for that. If you want to turn that microphone around, as I think has been instructed, raise it to the proper height so that you can speak into it clearly, and give your introductions, please.

Youth Corps Volunteers: I'm Dimitri Anagnostopolous. I go to Desert Mountain High School and my favorite thing is go to Handle Bar Helpers to fix up bikes. I'm Marjorie Wells, and I go to Supai and my favorite thing that I've done with Youth Corps this year was Mighty Mud Mania. Hi, I'm Destyne Kates. I go to Saguaro High School, and I volunteered at Navajo Elementary School. Hi, my name is Anthony Moretti, I go to Our Lady of Perpetual Help in Scottsdale and my favorite thing in Youth Corps is the Animal Tranquility Center. Hi, my name is Peyton Moretti, I go to Our Lady of Perpetual Help and my favorite thing was the Tranquility Trail helping bunnies. My name is Sydney Gable. I go to Scottsdale Prep and the favorite thing I have done this summer is the bunnies. Hi, my name is Vasili Anagnostopolous, I go to Desert Canyon Middle School, and my favorite thing was Handle Bar Helpers. My name is Consuelo Arroyo. I'm a sophomore at Coronado High School. My favorite thing I did this summer through Youth Corps was making 30 new best friends under the age of 10.

Mayor Lane: Thank you very much.

INVOCATION

[Time: 00:04:27]

Mayor Lane: For the invocation this evening, we do have Pastor Neil Montgomery of the Scottsdale Bible Church with us. Pastor, please.

[Time: 00:04:37]

Pastor Neil Montgomery: I would like you to pray with me as we begin our meeting. Father, we thank you for the reason that we are gathered here because of the great freedom we have in this country. Father, this is the time of year that we celebrate that, our independence, and we pray for the leaders of this community, the civic leaders who selflessly serve for the good of the city, and with just pray that you would use them tonight in their valued intents. Father, we ask that you might give them wisdom, that you might give them understanding, and unity. We pray that for the Mayor and the Councilmembers, we pray for those who will come to speak tonight, that you will help them to communicate clearly and accurately the matters that brought them here. And with pray for the blessing upon this city and its residents. Father, would you just move in our midst this evening. We ask this all in your Son's name, amen.

Mayor Lane: Amen. Thank you, Pastor.

MAYOR'S REPORT

[Time: 00:05:30]

Mayor Lane: Well, I have a little bit of special news tonight. We oftentimes do, but I would like to proclaim, and this is very special issue for the City of Scottsdale, but, proclaim July as General Aviation Appreciation Month. That may sound like an oddball thing to proclaim. If we have one of the most successful general aviation airports in the country and that's Scottsdale Airport. It's done a wonderful job for us in serving our community and our tourism community and our business community as well. It has been steadfastly a noncommercial airport, but it does, of course, it has general aviation status of biz jets and private aircraft are its mainstay. But General Aviation Appreciation Month. The airport play as a key economic asset an important link within the National Air Transportation System and whereas the City of Scottsdale and the State of Arizona has a significant interest in the continued vitality and the health of general aviation.

Aviation organizations and the airport operators; whereas Arizona is home to 83 airports which serve 17,986 licensed pilots in the state, and about 65 of 6,561 general aviation aircraft and the state ranked fifth in active aircraft and 12th in the number of aircraft per capita by the F.A.A. data. Now, with that, and some additional information here, I Jim lane do hereby proclaim general aviation an economic resource and declare July 2014 as General Aviation Appreciation Month and the City of Scottsdale and urge all of our citizens of the City of Scottsdale to join me in acknowledging vital role that aviation plays in our community. This will be presented to Sarah Ferrara who is receiving it on behalf of our airport Executive Director, our airport director, Gary Mascaró. I want to say one final thing in all the gray work that they do in the operation of that airport has always, it has always been, for as long as I can remember, not only a vital asset for us but a very productive one for us. So with that.

PUBLIC COMMENT

[Time: 00:08:18]

Mayor Lane: Now, next order of business is Public Comment. And it's reserved for citizen

comments regarding non-agendized items of which no official action will be taken on these items. And it's three minutes each and it's confined to five individual requests and we have two this evening. Now, there is another opportunity at the end of the meeting if other Public Comments are requested. And we will start with Richard Nickum.

[Time: 00:09:08]

Richard Nickum: My name is Richard Nickum I live at 6058 East Paradise Parkway here in Scottsdale. Thank you, Mayor Lane and Councilmembers. This is one block north of Scottsdale Fashion Square. There's 16 homes on our street that were built in 1958, and are on septic systems. Most of the people living on our street are in their 70s and 80s, retired, and on fixed incomes. We have met with several city members over the years, several times, and asked for city sewers in our neighborhood. The answer has always been no, there was no monies available and this could not be completed. In January 2013, we found out about an extension participation program for public water and sewer lines. We met with a representative from the Water Resources Department on February 8th, 2013, in our home with our neighbors.

Basically he said, if the citizens of the neighborhood pay the cost of installing a sewer main, the city will reimburse them for any homeowner that does not wish to participate. We raised approximately \$150,000, which is about \$10,000 per house to proceed with this project. The city had no financial exposure for this project. In fact when it was completed, the city took full ownership of the sewer line. Of the 16 homes, eight homeowners decided to hook up to the sewer main at an additional cost of \$12,000. That's \$22,000 total. The \$12,000 cost included a one-time sewer assessment fee or a hookup fee of \$4,600, based on lot size. With all of our communications with various people at the Water Resources department over the several months it took to finish this project, there was never any indication given to any of us this fee may be changed fairly soon. Had we eight homeowners had any idea this may happen, there's no doubt, none of us would have hooked up before July 1st, 2014. As of July 1st, 2014, this fee has changed from \$4,600 to \$2,064 based on water meter size. We have submitted a six-page petition to the City Council today, July 1st, 2014 and we ask, we are asking for reimbursement of approximately \$2,600, which is the difference between what we paid and what the fee is today.

Mayor Lane: Thank you, Mr. Nickum. Next is Jennifer Nore.

[Time: 00:12:36]

Jennifer Nore: Actually, it's Nore, but no one knows how to pronounce it. So you are not alone. In May of this year, we learned from a new neighbor that the wastewater development fees would be reduced from the approximately \$4,600 that each of us had paid to \$2,100. And we were shocked to learn that. So Rich contacted Doug Mann with whom he had worked very closely during the sewer construction process, and Mr. Mann said, I thought I would be hearing from you. Rich asked if it was possible to get a refund of the cost differential. Mr. Mann said, no, it's impossible. Rich then talked to Brian Biesemeyer. He said, look we didn't want to reduce the impact fees but the Arizona legislature required us to do it. Now this was news to us. None of us were aware of the legislation.

And we did a little bit of research and learned about SB-1525, effectively mandating the reduction of impact fees. We are aware from documents that we later discovered that the city began working on figuring out the extent to which the fees had to be reduced, and they did that fairly early on, at least as of October of 2011. And as Rich indicated, we worked very closely with the city on this project. We had numerous meetings. Rich kept Mr. Mann advised on an ongoing basis of our status and the progress and the fact that several of us would be hooking up, which we did in September and October of 2013.

So given the extensive footwork that had to be done by city staff in anticipation of the fee reduction, we strongly believe that city staff was well aware at the time that it was dealing with us that the fees would be significantly reduced, and we believe that we should have been given a heads up. Now we are uniquely situated and won't create a precedent for other homeowners or developers if we are given the refund. One, we are not developers. We didn't construct the sewer for profit. We were the first neighborhood that banded together to collect the money to build a sewer. We had the close working relationship and despite that close working relationship, we were not given the courtesy of the heads up. Had we known, all of us would have waited until the fees were reduced. We are not asking for a gift but fundamental fairness in what we think is a truly unique situation in the city. Thank you.

Mayor Lane: Thank you, Ms. Nore. That completes the Public Comment at this stage.

ADDED ITEM

[Time: 00:16:20]

Mayor Lane: We have an added item, Consent item 20B was added to the agenda on June 26th. Do I have a motion to accept this agenda item as presented or to continue the added item to the next scheduled Council meeting which would be August 18th, 2014?

Councilman Robbins: I will move to add it to this agenda.

Councilmember Korte: Second.

Mayor Lane: Moved and seconded. No further comment. I think we are ready to vote. All of those in favor, please indicate by aye and register your vote. Nay if you oppose. The tally is unanimous, 7-0. That item will remain on the agenda as is indicated.

MINUTES

[Time: 00:17:06]

Mayor Lane: Next order of business is our meeting Minutes. I would ask for a motion to approve the Regular Meeting minutes of May 13th, 2014 and June 3rd, 2014, and the Work Study Session minutes of May 13, 2014, 4 p.m. Special Meeting minutes of June 3rd, 2014, and the 7:30 p.m. Special

Meeting minutes of June 3rd, 2014. Do I have a motion?

Councilmember Korte: So moved, Mayor.

Vice Mayor Phillips: Second.

Mayor Lane: Motion has been made and seconded. No further request to speak on it. All those in favor please indicate by saying aye. Nay if you oppose. The tally is unanimous, 7-0. The minutes as indicated have been accepted.

CONSENT AGENDA

[Time: 00:17:58]

Mayor Lane: On the Consent items, the Council report for item 2 on tonight's Consent Agenda, Mixx, RSVP (Mixx) Conditional Use Permits contains the incorrect stipulations. This item is removed from consent for a separate vote. So the amended stipulations are properly documented. I think I've got those. So item 2 will be removed from the items 1 through 20B which are the Consent items. I have, we'll just remove that for a separate vote after we are completed with the rest of the consent items. And we do have one item with a request to speak, and it happens to be item 20A, which is the naming of a pond and this is to adopt Resolution 9826 authorizing the pond at the southwest corner of Hayden Road and Indian School to be named Schrader's Pond in honor of Bill Schrader and his family. I think we have Mr. Messinger here, who is an historian and a good friend of Mr. Schrader as well to tell us why this is an important move for us.

[Time: 00:19:39]

Paul Messinger: Mr. Mayor, Councilmembers, if this little pond in the southwest corner of Hayden and Indian School could talk, what stories it could tell! Over 100 years ago, men dug a little hole in the ground at that intersection, just west of that intersection to get material to make Adobe brick and it became popular and virtually many houses in downtown Scottsdale were built out of the Adobe that came out of that little Adobe pit. The Adobe, Winfield Scott was alive during those days. And some of those houses are standing in Scottsdale today. Later the old Adobe pit filled with the wastewater from irrigation and having no outlet, the water remained and a lake was born. Scottsdale's first lake and for over 50 years it was Scottsdale's virtually only lake. We had few lakes caused by the irrigation, but this is one that stayed on purpose. Over the 100 years, this little lake has had many, many happenings. Hundreds of baptisms. Some of the churches used the lake because it's one of the few places where baptisms could take place.

We didn't, in most churches at those times they didn't have complete baptisms and those that required it, the lake served. Many young people caught their first fish here and others just fished here. Others learned to swim or swam. Scottsdale's greenbelt idea was born here. The farmers noted that upstream a short distance and downstream from this little pond, the crops, when they had a flood always just laid down and then over time, the crops would stand back up again within a week

or ten days and most of the time, because the extra water, they had a better yield that year than other years. Many local families picnicked there. You remember Scottsdale didn't have any parks until the mid-'60s. The lake was and is a joy today, and it will always remain because it's a part, it was engineered to be a part of the greenbelt and many other lakes were added because they also slowed the water down or sped the water up, and today we have many golf courses that serve that are in there and work well. This lake is on the old Schrader farm, 110-acre farm, and it was known over all the years as Schrader's pond but Schrader's sold to Continental Homes a few years ago and so it's, the name has kind of lost its note. The Schrader family has been a force in developing Scottsdale for over 70 years. We borrowed their trucks and equipment before the City of Scottsdale, when we were a fledgling city and we didn't have those things.

The Schrader's family name has been identified with the lake and the town's history. Naming the lake Schrader's Pond just seems like the right thing to do. So many reasons, for so many reasons and I know of no reasons to the contrary. Also Bill Schrader was a graduate of Scottsdale high, class of 1948. Scottsdale, he was a Scottsdale City Council man, as you folks are. He served as Scottsdale's Mayor during much of its early annexation. He was a long-time board member of SRP and retired recently as the president of SRP. And at the same time, over most of his lifetime, he was a farmer and rancher in our area. I think that the Schrader name and the pond, I think deserves to have the name. My brother was baptized in that lake. And I think there are many other people, maybe some in this room, that have personal relationships with that lake. Thank you so much, Mr. Mayor.

[Time: 00:24:10]

Mayor Lane: Thank you, Mr. Messinger. And I appreciate you bringing this forward. It's another fact, I suppose, but Bill Schrader, number one, he's still with us. I'm not sure whether he's here tonight or not, but he's going to be 85 on August 18th. But he was, at the time he was Mayor, so it's been told by him to me, that he was the youngest Mayor in the country. And so that's why he's with us and he also tells the story about ferrying kids on a tractor across the wash when it would flood from school to their houses. I don't know that it would even be allowed today but nevertheless, he carried a bunch of kids hanging all over that tractor across the wash when they couldn't otherwise get home. There were no bridges. But in any case, again, thank you, Paul. We very much appreciate you bringing this forward. And we will include it, unless there's any objection, we will include it with the consent items on the overall with that one withdrawal of item number two and we will vote on that separately. So with that, I would like to, I would accept a motion on Consent items 1 through 20B absent item 2 which we will vote on separately.

Councilman Robbins: Mayor, I move that Council accept items 1 through 20B, except for two.

Councilwoman Milhaven: Second.

Mayor Lane: Motion has been made and seconded. Seeing no further comment on the items, we are then ready to vote. All those in favor, please indicate by aye, and registered your vote. Nay if you oppose. The tally is in and it's unanimous, 7-0. Thank you again for that.

ITEM 2 – RSVP (AKA MIXX) CONDITIONAL USE PERMITS (2-UP-2014 AND 3-UP-2014)

[Time: 00:25:50]

Mayor Lane: Now we will go back to item 2, which I will just okay this the RSVP, and a/k/a Mixx. Conditional use permit. This is to adopt Resolution number 9803, but the, some of the criteria has changed and we were given different language. I don't know whether everyone has had an opportunity to see that. I don't know that it was substantial. Staff, is there any report on this that you would like to lend to us or give us some information on this?

[Time: 00:26:32]

Senior Planner Greg Bloemberg: Sure, Mayor Lane and City Council. I will give you some brief background on this. When the two cases went to Planning Commission, the hours of operation stipulation included a request for an exception on New Year's Day. And that went through Planning Commission and was voted on, but subsequent to that hearing, the applicant decided not to pursue that exception. So those stipulations were amended. Unfortunately the amended stipulations did not find their way to the Resolution prior to getting to the City Clerk. So that's why we are here in that situation.

Mayor Lane: All right. Then the language that I have here from the email from earlier today is the language we would need to be voting on?

Greg Bloemberg: Correct.

Mayor Lane: Okay. And if it's all right, and unless someone would want to make the motion and happens to have this language, I will go ahead and read the language and then someone could take the motion or make the motion. And that's to find that the conditional use permit criteria has been met, and adopt Resolution 9803, approving a conditional use permit for a bar at an existing 3298 square foot establishment with highway commercial parking district and downtown overlay, C-3/P-3 D.O., zoning for case 2-UP-2014 and find that the conditional use permit criteria have been met and adopted and adopt Resolution 9804, approving a conditional use permit for live entertainment and an existing 3298 square foot establishment with highway commercial, parking district, downtown overlay, C-3/P-3, D.O., zoning for case number 3-UP-2014 with the amended stipulations presented by staff. That's the language. It looks like we may have some conversation on it. Certainly we are all open to that. Councilman Littlefield.

[Time: 00:28:21]

Councilman Littlefield: So my question would be, what you are saying the actual language, which you are asking us to approve does not include or does not give them the ability to be open on New Year's Day?

Greg Bloemberg: Mayor Lane, Councilman Littlefield, that's correct.

Councilman Littlefield: Thank you.

Mayor Lane: Seeing there's no further comment on, this I will accept a motion.

Councilmember Korte: Mayor. I move to adopt Resolution number 9803, and 9804 given the change as presented by the Mayor.

Mayor Lane: The motion has been made.

Councilwoman Milhaven: Second.

Mayor Lane: And seconded. Seeing there's no further comment on this, I think we are then ready to vote on that separate item, item 2 on the Consent. All those in favor, please indicate by aye and those with opposed with a nay. The tally is 7-0. It's unanimous. Thank you very much. That completes the consent items.

REGULAR AGENDA

ITEM 21 – CAMELBACK ROAD TRAFFIC CONTROL BETWEEN SCOTTSDALE ROAD AND MILLER ROAD

[Time: 00:29:46]

Mayor Lane: And that moves us to the Regular Agenda, which we start with item 21 and it looks like Mr. Basha has already moved into position in anticipation of his presentation on the Camelback Road Traffic Control between Scottsdale Road and Miller Road. Mr. Basha.

[Time: 00:29:59]

Transportation Director Paul Basha: Mr. Mayor, members of the City Council, my name is Paul Basha, Transportation Director for the citizens of Scottsdale. Thank you for the opportunity to inform you of traffic control decisions we intend to implement on Camelback Road between Scottsdale Road and Miller Road this fall. I would like to also inform the Council, we provided a very comprehensive detailed presentation to the Transportation Commission at their June 19th meeting, and that a video of that presentation is available on the city website. I would also like to tell you that these decisions we made in were in complete collaboration with the Scottsdale Police department, specifically Assistant Chief Walther, Commander Ciolli, Lieutenant Slavin and Lieutenant Rasmussen.

This is the vicinity. It's Camelback Road between Scottsdale and Miller. North of Camelback and west of Miller Road is single family homes. To the south of Camelback in this vicinity is an entertainment district. Further southwest is a large employment area. Further south, an historic small business area in Scottsdale. These two properties that show as vacant are actually under construction to be multifamily homes. This vicinity is a large retail center that does quite well and, of course the landmark of Don and Charlie's restaurant. Our two decisions before you this evening, one

is for a traffic signal at the intersection of Camelback Road and Buckboard Trail. The other is a variable speed limit along Camelback Road between Scottsdale and Miller Road. Typically the speed limit will be posted at 35 miles per hour and then during turn high volume, low speed times, the posted speed limit will be 25 miles per hour.

Last fall, we implemented a one way street pattern in the entertainment district on a trial basis in September, after the 60-day trial period, we implemented the traffic control permanently. We wanted that one-way operation to exist and become very familiar in the traffic patterns to adjust prior to exploring any other traffic control changes in the vicinity. So we scheduled our traffic data collection for these two analyses as late in the high activity season as possible which meant late April and early May. The dominant location or the most likely location for a traffic signal is at this intersection, Buckboard Trail and Camelback Road and that was the location of our analysis. The analyses for traffic signal installations are done in accordance with the United States Department of Transportation document and that includes several different sets of criteria pertaining to when signals are appropriate and not. Five of those criteria are heavily trafficked volume based. All five of those volume criteria were satisfied by the traffic conditions at the intersection of Buckboard Trail and Camelback Road.

[Time: 00:33:30]

There's also one of the criteria that is pedestrian based. That criteria was not satisfied by the traffic conditions in the vicinity of Camelback and Buckboard. Another criteria is based on crash history and experience. We analyzed nine past years of crash experience, and that particular set of criteria was also not satisfied. So we decided through our extensive analyses and complete report that a traffic signal was appropriate at this location. The next analysis was for the speed limit. The dominant consideration for posting speed limits is the prevailing travel speed. And then we also have five additional considerations, including pavement and adjacent land uses and whether or not parking is on the street, whether or not pedestrians are present along the street or crossing the street and finally, the crash history.

The general decision making process is posted speed limit should be as close as practicable to the prevailing travel speed. The purpose of the speed limit is for traffic to travel at a fairly consistent speed. When there's a large disparity in travel speeds, then the operation isn't as good. So we try to have a posted speed limit that encourages compliance with the posted speed limit. Before you is a graph that will soon appear that will show the average travel speeds and the 85th percentile speeds along Camelback Road between Scottsdale and Miller. We measured the speeds for a one-week period and recognized that during weekends, the travel speeds were slightly different than during week days. So we analyzed from Friday noon to early Sunday morning to better understand the travel patterns. What we discovered is on Saturday, from midnight to 2 a.m., and on Sunday, from midnight to 2 a.m., the travel speeds are substantially lower than the rest of the weekend and the rest of the week. This is the data from April of this past year.

We also measured the speeds in May of this year, and they were quite consistent. This happens to be the eastbound curb lane and this is where the speed reduction was the greatest. The next graph I

will show you is the eastbound median lane and notice there's still that decrease in travel speeds but it's a substantially higher speed than in the adjacent curb lane. Next graph will be the westbound median lane. Again, there's a decrease, but not as dramatic as the eastbound median lane or the eastbound curb lane.

And finally, the westbound curb lane, again, shows a similar pattern, but much more consistent. As I said earlier, one of the goals of a posted speed limit is to encourage uniform travel speeds. The speed discrepancy that we saw in April and May directs us or suggests to us that we should have different speed limits at different times of the day and days of the week. So we will be implementing two different sets of speed limit signs for eastbound and westbound. The speed limit signs will generally be similar to a posted speed limit that you see throughout the city, except the numbers will be programmable lights. We also intend to install speed awareness signs, similar to what we have in other parts of the city. The speed limit, as I say will be 35 miles per hour typically, however, when the Police Department and the Transportation Department anticipate high volumes and low travel speeds, we will program the sign for 25 miles per hour.

When drivers are exceeding, well, excuse me. This sign will indicate to drivers their actual travel speed. When they are exceeding the posted speed limit by 5 miles per hour or more, these numbers will flash, further encouraging drivers to obey the posted speed limit. We did consider having flashing lights on the speed limit sign proper when it was posted at 25, but as I indicated, there are single family homes in the vicinity and so we did not want to have that invasive intrusion of flashing lights continuously in the late night and early-morning hours. So we will be using these flashing travel speeds to only be flashing when people are disobeying the speed limit. That concludes my presentation, Mr. Mayor. I will be happy to answer any questions you may have.

Mayor Lane: Thank you, Mr. Basha. Yes, we have some comments or questions. I will start with Vice Mayor Phillips.

[Time: 00:38:41]

Vice Mayor Phillips: Thank you, Mayor. Can you go back to where this variable speed limit is going to be?

Paul Basha: Certainly. It will be on Camelback Road between Scottsdale Road and Miller Road, that one half mile segment.

Vice Mayor Phillips: And who decides and where do you adjust the speeds at? Do you do it right at, do you have to park and stop and change the speed or is it done in traffic control?

Paul Basha: Mayor Lane, Vice Mayor Phillips, the programming will be accomplished in our Traffic Management Center. It's very similar to the lower speed limits that we have near several of our elementary schools. Those signs are also programmed.

Vice Mayor Phillips: Okay, is there any way for the public to know in advance when these are going

to be changed?

Paul Basha: Mr. Mayor, Vice Mayor Phillips, we certainly could publicize that information, but it will be readily apparent to all drivers what the speed limit is by the display on the speed limit sign.

Vice Mayor Phillips: Okay.

Paul Basha: And it will be lit, unlike all the other speed limit signs.

Vice Mayor Phillips: Okay. What I'm thinking and mostly for the neighborhoods that are driving on Camelback Road, they will get used to seeing the 35, 35, 35, and they are driving down 35, and I got a ticket. Why? It's 25. So how did that change? It never was that before. But you see the dilemma that could come up.

[Time: 00:40:19]

Paul Basha: Vice Mayor Phillips, we did discuss this possibility or this situation at length with the Police Department and the City Attorney's office. The dominant times when the speed limit will be 25 will be from 9:00 in the evening until 2:00 in the morning. Obviously dark hours and when the lights will be much more visible and the 25 will be quite apparent. Furthermore, the travel speeds of drivers will be displayed on the sign, and when people are exceeding 5 miles per hour over the posted speed limit, be it 25 or 35, the lights will be flashing.

Vice Mayor Phillips: So there will be some public outreach, as far as this implementing goes, so the people will know that you are going to be doing this?

Paul Basha: Yes, sir, Vice Mayor Phillips.

Vice Mayor Phillips: Okay. Thank you.

Mayor Lane: Thank you, Vice Mayor. And thank you, Mr. Basha. I think we have got a pretty clear picture. I don't see any further questions on this. Let me just check and see if I, no cards on it either. So I think we are satisfied with the presentation. So thank you.

Paul Basha: Thank you, Mr. Mayor, City Council.

Mayor Lane: Given the information that we have just been presented with, do I have any further comments and/or a motion? Possible direction. So I suppose since we accepted your presentation without question, the direction is to move forward. Now, sometimes we, sometimes we take a vote for, that but sometimes not. Is there any objection with an overall feeling of giving him direction to move forward on this? Are we all right? Here we go. Thank you, Mr. Basha.

ITEM 22 – REQUEST TO AGENDIZE AN ORDINANCE TO REGULATE THE USE OF PERSONAL DIGITAL ASSISTANTS WHILE DRIVING

[Time: 00:42:26]

Mayor Lane: Next order of business is our item 22, which is a request to amend an ordinance, this is a request to amend an ordinance to regulate the use of personal digital assistants while driving. This is a request of Vice Mayor Phillips and I just want to emphasize the fact that, excuse me. I want to emphasize the fact that this is a request only to amend. This is not a matter of discussion at this point in time. It's whether it gets on an agenda to be discussed, but Mr., or rather Vice Mayor, you would like to speak to it?

Vice Mayor Phillips: Yes, I think we all got an email from a concerned citizen in Scottsdale about the fact that Scottsdale does not have an ordinance limiting the use of personal digital assistants, and frankly, I think that's something that we should have. Now I was under the false impression that the state had one and that's what we were going by, but I found out that that's not the case, and I think, I believe the city of Phoenix and Tempe do have an ordinance. So as a matter of fact, we can probably fashion it after theirs at some point. I would like to defer to the City Attorney as far as how we go about doing that.

[Time: 00:43:41]

City Attorney Bruce Washburn: Thank you, Vice Mayor. Yes, he's correct that the state does not have any specific regulations regarding P.D.A.s or basically texting while driving and if the city wants to consider adopting the ordinance similar to that adopted by Phoenix or Tempe, the Council votes to have this brought forward, then we will put it on a future agenda and get direction on exactly what type of ordinance is needed and we can proceed from there.

Vice Mayor Phillips: Thank you. With that, I would make the motion to direct staff to amend an ordinance to regulate the use of personal digital assistants while driving.

Councilman Littlefield: Second.

Mayor Lane: The motion has been made and seconded. Councilman, you would like to speak toward it?

Councilman Littlefield: No.

Mayor Lane: Councilwoman Korte.

[Time: 00:44:32]

Councilmember Korte: I have a question. Is this intended to regulate all personal digital assistants while in the car, which would include talking on the phone?

Vice Mayor Phillips: I think if we vote to amend it, that's what the staff will come back and show us

what they have come up with and we can discuss it at that point.

Councilmember Korte: Thank you.

Mayor Lane: Thank you, Councilman. Seeing that we have no further questions on, it there's a motion to agendize this for future, I'm sorry, was it a date certain or was it a future meeting?
Councilman?

Vice Mayor Phillips: Well, it would be future.

Mayor Lane: But not to a specific date.

Vice Mayor Phillips: Right. Yes.

Mayor Lane: Okay. All right. Then we are ready to vote. All those in favor please indicate by aye. Those opposed, nay. The motion does pass 4-3 with Councilman Robbins, Councilwoman Klapp and myself opposing. So it will be agendized to a date to be determined.

[Time: 00:45:47]

Councilwoman Milhaven: Oh, no, I meant to vote no.

Mayor Lane: Okay. I think we can allow that. So just revote on it, please. Those accepting with aye and those opposed with a nay. Now I did it. Now I did it. It's catching up here.

Councilman Littlefield: Obviously God wants this to pass.

Mayor Lane: You could make that assumption. I'm sorry. Reset it, please.

Councilman Littlefield: You will be sorry if lightning strikes you.

Mayor Lane: Those in favor, please indicate by aye and those opposed with a nay. Nay. Now it's not working. We have blown its brain.

Councilman Littlefield: It's not nice to fool with Mother Nature!

Mayor Lane: Okay. All right. So now that motion does not pass, 4-3 with Councilman Robbins, Councilwoman Milhaven, Councilwoman Klapp and myself opposing it. That completes that item number and we have no further Public Comment.

CITIZEN PETITIONS

[Time: 00:47:12]

Mayor Lane: We do have the petition to consider. Yes, Councilman Littlefield.

Councilman Littlefield: Move we ask the City Manager to consider this and report back to us.

Vice Mayor Phillips: I would like to second that.

Mayor Lane: The motion has been made and seconded. Any further comment on it? Are we ready to vote? Is everyone clear as to what we have done. Those in favor the motion, please indicate by aye. Those opposed with a nay. Aye. You are missing. The thing is all screwed up. Okay. The motion does pass with Councilwoman Korte opposing. That takes care of the petition item. No further public comment and no further Mayor and Council items.

ADJOURNMENT

[Time: 00:48:08]

Mayor Lane: I will accept a motion to adjourn our Regular meeting.

Councilman Littlefield: So moved.

Councilwoman Klapp: Second.

Mayor Lane: All those in favor of adjournment, please indicate by aye. We are in adjournment of our Regular Meeting. We are adjourned.