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CALL TO ORDER

[Time: 00:00:02]

Mayor Lane: Well, good afternoon, everyone. No reason to gavel down. Everyone has brought themselves to a state of quiet. It's great to have you here for our meeting, our city council meeting of May 5th, Cinco De Mayo. I'm surprised anyone is here with us, but nevertheless, thank you for joining us. For our regular meeting, I would like to call to order this meeting and I will start with a roll call, please.

ROLL CALL

[Time: 00:00:27]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Linda Milhaven.

Vice Mayor Milhaven: Here.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

City Clerk Carolyn Jagger: David Smith.

Councilman Smith: Present.

Carolyn Jagger: City Manager Fritz Behring.

Fritz Behring: Here.

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

City Attorney Bruce Washburn: Here.

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

City Treasurer Jeff Nichols: Here.

City Clerk Carolyn Jagger: And the Clerk is present.

Mayor Lane: Thank you. Some items of business. We do have cards if you would like to speak on any of the items on the agenda or for public comment. Those are the white cards that are above the city clerk's head here to my right and there are yellow cards if you would like to give us any written comments on the agenda items which we will read during the course of the proceedings. We do have Scottsdale police officers Tom Cleary and Jason Glenn here to assist you if you have need of their services. And the areas behind the council dais are reserved for the council and for staff but we do have facilities over here under that exit sign to my left for your convenience.

PLEDGE OF ALLEGIANCE

[Time: 00:01:24]

Mayor Lane: Today, we're honored to have the Brownie Troop 81 and their leader, Elisa Donnadiu

are here and they will lead us in the pledge, please. And rise if you can.

Brownie Troop 81: 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 the microphone around and introduce yourself and say what school you go to and what your favorite subject is.

Kennedy Hammer: My name is Kennedy Elizabeth Hammer and my favorite subject is science and I go to Pima Elementary School.

Rachel: Hi, my name is Rachel and I go to Pima Elementary School and my favorite subject is art.

Juliana Donnadieu: Hi, my name is Juliana Donahue, and I go to Pima Elementary School, and my favorite subject is art.

Mayor Lane: Thank you very much, ladies.

INVOCATION

[Time: 00:02:36]

Mayor Lane: For the invocation this afternoon we have Reverend John Botic of the First Baptist Church of Scottsdale. Welcome, reverend.

Reverend Botic: Thank you. Thanks. Let's pray. Father, we thank you so very much that you are so good to us, that you walk us through good times and bad times. You give us the opportunity to expand your kingdom in ways that -- in ways that we understand and in ways that we don't. We pray that this evening as the council gathers, we pray that you would grant them wisdom and discernment, that they would make decisions that are based on justice and your grace and your mercy, pray that you would continue to guide the mayor and his staff through these days and we thank you for the service that they give to the city, and we pray that we would keep that in mind and keep you in mind. So bless this evening and bless this time, in Jesus' name, amen.

Mayor Lane: Thank you, reverend.

MAYOR'S REPORT

[Time: 00:03:49]

Mayor Lane: Well, now, I would like to take a moment to just introduce Dave Alford who is the head of the Parada Del Sol Parade and Rodeo to say a few words. Dave is back from wherever they have been holding up since the parade. He's going to talk to us a little bit. Dave, if you would come forward a little, please.

Dave Alford: Thank you Mr. Mayor and council for letting us come tonight with a little bit of short notice. You normally don't see a lot of Parada people, except for in January and February, when we are here asking you for permits and the street closures and lots of favors. So we just wanted to do a couple of things. We wanted to say thank you to the mayor and all the council and what a great job we feel like we want to articulate and tell everybody what a great job all departments at the city did for us this year, everything from police and fire, and Walt at streets and Steve Geiogamah and his crew. Everything went so smooth and everyone was on such a great team to make things happen smoothly this year.

We did a few changes with the parade route and there were a lot of people who got up here and spoke about it. We addressed those people and Wendy and Doc and Jim, Gary Cooper and myself went and talked to the people. And all the people that had concerns about the parade route change have changed their mind and thought it was an absolutely good move to take the parade route back to its original route and we had some old programs to show them some of the historic documents and stuff about Parada and how that was the original route. So with a lot of hard work, we think it was very successful and thank you very much for that. The Trail's End afterwards we had great participation with the citizens there. We had the different areas. We had the Indian dancers and the Hispanic village and everything. That really, really played well. So thanks to everybody for that.

A quick update on the Rodeo. We had record attendance at our Rodeo. If you didn't get to see it on Thursday night, our champions challenge is on national TV. It was on national TV on CBS sports. So we were very proud of that. It was our second here on national TV. So our hats are off to everyone at the city that has really helped us get to that point.

So Parada is really, really doing well. Thank you for all of your support for 62 years and especially last year when we had a few obstacles, trials and tribulations that we got through. The love of Parada always gets us through. We brought this year's poster that hopefully it will find a home some place here in the Kiva, or somebody's office. You guys can roll the dice for it or something. Again, thank you to everybody in the city and especially thank the citizens. The citizens just love their Hometown event. It started in 1951 as the sunshine festival and evolved to something that's on national TV and brings 100,000 people to Old Town. So hats off to everyone in the city of Scottsdale. Thank you very much.

Mayor Lane: Dave before you leave there and Doc and Jim and Wendy, as in the western tradition, we want to thank you. It's going to be received back with a thank you to you as well. So not just a you're welcome. So I've got to tell you that all I just said it gives great credit to what you and your organization have done over this last year and really revitalizing a great tradition. It's gone on for a long time. And we know there were some troubled years in there. We were concerned about our historical -- the preserving of our history with regard to the Parada and so I want to thank you very much for that and frankly, we are bringing some great new life to not only the parade but all of downtown and the great tradition that we have. So thank you very much for the poster.

Dave Alford: Thank you.

PRESENTATIONS/INFORMATION UPDATES

[Time: 00:08:35]

Mayor Lane: Okay. Our next item on the agenda tonight is an update to give the council and the community a little bit of an update on of the work that's being done with regard to the airport noise that we have been encountering. I understood here that it was going to be Gary, but it obviously is not Gary. But Sarah, you are here as well. So I just noticed that. So as our aviation planning and outreach coordinator. Sarah, I presume you will give us a little bit of that background and update us to the steps that we have been taking over the last several months regarding some of the issues surrounding the airport noise and most specifically, some of the airport noise coming out of Sky Harbor.

Aviation Planning and Outreach Coordinator Sarah Ferrara: Yes, thank you, mayor and councilmembers. I will do the first part and give an overview of the noise program. And then will have the aviation director follow up with the second part and we'll get to some of the other points about F.A.A. initiatives and the city's response.

Mayor Lane: Very good.

Aviation Planning and Outreach Coordinator Sarah Ferrara: With that, I will go through an overview of our noise program. As you know, the city has a long history of proactive noise abatement efforts and as such, we have as a city undertaken three different part 150 noise studies and we completed those in 1985, 1997, and 2005. These are comprehensive studies that uses a three-pronged approach. So it looks at airport operations, land use management, and program management.

In the 2005 noise study, city councilmembers at that time had asked the aviation staff to explore the possibilities of instituting some restrictions. Now, in order to do restrictions, it requires a part 161 study. At that time, while we were going through the noise study, it was evaluated. There was a cost benefit analysis conducted and it was deemed not feasible for the city of Scottsdale to implement any sort of restrictions or pursue that part 161. And just as a side note, at this point, there has not been one airport that has been successful at implementing any part 161 restrictions.

Now, prior to that time, in 1990, the city did undertake implementing two prohibitions. Now, that was before federal legislation went into place. What we did to mitigate some noise at that point was to prohibit engine run-ups and maintenance run-ups during the nighttime hours. Those are still effect at this time. Now, out of that part 150 study, there were certain measures that were implemented. One of them was to update the noise exposure map and noise compatibility program and this was recently completed in 2014. Another is to monitor the implementation of the noise compatibility program, with that aviation staff works with the F.A.A. air traffic control tower to monitor and make sure that the noise abatement procedures are managed, but, of course, the main concern first is safety. So first comes safety then utilizing the noise abatement procedures.

A noise complete tracking system was another measure that was introduced. And that is something that we use, we have a database. Ever since it started, we use our database to track all complaints. We keep that in our database. We can see trends and track complaints that way. We continue to expand our airport signage program and if you have ever driven close to the airport area, you know, sometimes it can be a little tricky getting to the airport. So these signs serve a dual purpose. One to show airport users how to reach the airport. Secondly, to notify the adjacent neighborhoods that there is an airport nearby and those are those blue signs. Airport pilot and community outreach is another huge component and that's something that we take very seriously to disseminate noise and educate both parties.

A little bit about our noise program. We have voluntary curfew hours. What that means is there are not restrictions but when we receive a complaint we try to match that with an operation. Now, these are, you know, during the nighttime early morning hours when we are successful at doing that, we will send outreach to that operator to let them know about our noise abatement procedures, as well as to ask them to not fly during those hours, to do what they can to not fly around that for us because of the adjacent neighborhoods. We undertake initiatives. Some of them are as simple as having noise abatement signs at our airport on the airfield to remind pilots. We have navigational aids that we set higher than standard to help pilots as they are entering the airfield kind of fly in at a higher altitude as well. We have measures that came through our noise studies for pilots, like no intersection takeoffs to fly tight and high patterns and climb as high as possible before leaving the airport, all for the fact of trying to mitigate the noise impact. And there are so many more and that's all contained within our pilot guide. We have this in a handout that they can keep in their aircraft. We put it online for easy references as well and you can see the numerous different procedures in place. With that, we have a robust website. We try to keep timely, relevant information on our website for users, for the community.

We do presentations with pilots across the valley. They come, and we do that in conjunction with the air traffic control tower, and kind of walk them through the different processes, familiarize them with Scottsdale airport. We do community meetings when requested and actually this year in itself, I have done several meetings with real estate agents to kind of share this information. So what do we do when we get a noise complaint? We can take them by phone. So they call in a hot line number and we made it easy for them to use an online form to submit complaints. They have a little box they can check off, and request a call back, we will give them a call and we give them an opportunity to share factual information with them and discuss their concerns.

And I just wanted to hit a little bit about roles and responsibilities. This is a common misconception among a lot of people of the different roles that all of these entities play. We have the federal government, the F.A.A., they control aircraft in flight. Air space, that's the F.A.A. The state of Arizona comes into play with disclosure notices for potential homebuyers in the area. We have Scottsdale, the local government. Our charge is to promote noise abatement procedures and ensure compatible land use within the airport influence area. Pilots, safety is of the utmost concern and if they can exercise noise abatement procedures and then we have the residents that we would like to educate and help to understand the impacts of the airport and aircraft noise. So that's just a really brief update of our noise program. I will hand it over to Gary to talk about the other initiatives.

Thank you.

[Time: 00:15:43]

Aviation Director Gary Mascaro: Thank you, mayor, members of council. I think it was important to have Sarah come up here. One, to introduce you to her if you have not met her before. But two, also to have the residents see who she is, name to the face usually helps, because she does a fantastic effort to communicate back with the residents and the community if they have questions about noise. She's the face of the airport and that's really her program. She spends a lot of time with that. I thought it was important to have her share what she basically does on a day-to-day basis.

But with that, I want to talk about what's going on right now here at the airport and then the community as a whole. We have two significant things that are going on, one, which is most recent, is the Phoenix Sky Harbor flight path changes, which I think most of you have heard about. You read it in the paper, and what the impacts are. So let me explain to you a little bit about what that actually is. So on September 18th, 2014, the F.A.A. implemented these changes in and out of Sky Harbor, not Scottsdale airport, to streamline departures using this called Next Gen. It's a congressional mandate required for all airports in the entire country, particularly commercial service airports to operate aircraft as efficient and as safe as possible. What resulted in that was changes to flight paths out of Sky Harbor that impacted the entire valley.

So I'm going to give you a map of a lot of different colors here. These maps are created by Phoenix Sky Harbor folks and they provided it to us. It's on their website. I want to show you the before and after picture. This is departures out of Sky Harbor. If you look at it, you can see the blue, which I believe is after 2014, September. And how the corridors are changed quite a bit. You can see in the purple, that was the before, where it did not utilize that RNAV, it was welcome a sporadic spaghetti bowl of aircraft that fly out of Sky Harbor going out and impacting the residents here. The blue is the new corridors where it's very, very tight, higher patterns. In essence, you will see that these corridors and RNAV changes impact Scottsdale but they have impacted in the past, it's just a lot different the way the new forms are. This is the arrival path. You can see significant difference here, which did cause a little bit of impact from Scottsdale airport's perspective, on their flight tracks. So you can see the purple was before the and the blue is the after. And you can see that the arrival tracks to the north shifted over to the east a little bit. As you can see, though, there was not as much purple and I think many of the complaints that we are hearing from is because of this track, and the information that's being provided.

So what have we been doing? First and foremost, I want to reassure this council that we have been extremely proactive. We have fantastic relationships with our federal government partners. We worked with them on working on some tweaks and changes. We understand and respect what they are trying to do, to meet a congressional mandate. So we've had several meetings with those folks, and during those meetings, we discussed and reviewed these procedures to really understand what's going on and we wanted to share that. What we did come out and find out is basically, the procedure reduced impacts in some areas of Scottsdale by narrowing the corridor but it has increased the frequency of some tracks over, as you can see the corridor narrowed down. So it's impacting

people more. And depending on the location, they are flying six, eight, ten, 12, 15,000 feet. Obviously the higher north you go, the higher the aircraft is because their goal and the whole purpose of RNAV is to get them as high as possible.

We did a significant coordination with the city of Phoenix to help provide them data as they were providing us data because we don't have a flight track system and they have a very robust flight tracking system with the data to help share, to help educate the residents in the Phoenix area, as well as our residents to help share what's been going on and what we have been trying to do. We requested some flight track data which we received and we have been continuing the collaborative efforts as of today.

I want to talk to you a little bit about the mayor and the city council efforts and particularly the mayor's office has received a lot of comments and concerns from residents of Scottsdale and what they have been doing. And one of the thing the mayor has done quite a bit is we have worked on drafting correspondence to our Congressmen. And on behalf of the city and the citizens who are experiencing this increased noise, the mayor on several occasions has contacted the F.A.A. directly as well as communicated with Congressman Schweikert's office and Senators McCain and Flake. Congressman Schweikert is working with other congressmen in the region. Both senators have contacted the F.A.A. to request any mitigation efforts they possibly can do and they are continuing to contact and I know the mayor's office is continuing to contact them to keep reminding them of what's going on and our concerns.

We have been doing that collaboratively with the aviation staff because we were helping to provide some data through Phoenix to share what the concerns are. And what we are really seeing is some suggestions. We understand the flight tracks have to remain and we heard that loud and clear from the F.A.A. I think Phoenix has heard that loud as well, particularly on the west side departures and the results of what's going on there. What we did ask in working with our F.A.A. partners is there a way to mitigate some of the concerns, particularly in north Scottsdale area where we are having a lot of concerns where maybe there's a way to reduce power in certain areas over a highly dense residential community, or do the step up, but over an uncongested area where they have to power up, they can power up over the desert to climb to a higher altitude.

In addition, we are seeing if there are ways to get as high as possible when they are taking off out of Sky Harbor so they are not impacting the north Scottsdale area and even the south Scottsdale area. We are asking for what we are calling tweaks but we also recognize changes to the flight path as they are today, are not going to happen by the F.A.A. As Sarah suggested we don't have control of aircraft in the skies. All we can do is do as much as we can to help remind them to try to do anything they can and recognize that there is a community underneath that needs some assistance.

There's a whole other situation that I wanted to share with this council, it's the Phoenix Metroplex. And what this Metroplex is, is we received a notice of intent, the mayor's office did and the city of Scottsdale did, all of the cities in the valleys received this notice from the F.A.A. as well as the city of Tucson and the Tucson international airport. And what they will do is review -- overall review of air space within a 200-mile radius from 10,000 feet and up to see if there's any technology that can be

implemented to again, improve safety, efficiency and capacity with very minimal environmental impacts. The positive of this one is they are doing an environmental assessment. That's why they put us all on notice to say, hey, we will be looking at this and this is absolutely separate than what I just discussed about the RNAV changes. They are totally separate. They just happen to fall at the same time. There's a very common misconception about what's going on.

We were notified about this whole idea of this Metroplex system back in 2013, but it took them a couple of years, obviously, to come to us to start the process. So what we have asked for and what the impacts are, we have no idea. But the key for us and what we want to do and what we made sure and all of the airports in the valley, the city of Tucson, we have all agreed that we need to make sure the F.A.A. hears us loud and clear to protect the interests of not only our airports but the community, because we are all one big happy family and we need to continue to be that way. So we did a collaborative letter that I signed with all the airports in the valley to say, hey, we're on board, but we need to have a seat at the table and the city, myself, also sent us a separate letter. And the highlights of the letter is really simple. We asked to extend the public comment period. They gave us 30 days. They mailed us a letter and said you have 30 days to give us initial comments and then we'll see next year with the draft flight path changes and if any, how it may impact the 200-mile radius. We said time-out. We need more time. This is important for us and our community; you have to give us more time. They gave us until May 15th.

That's not really much to say, but at least we are trying to get out there. I know they have received a significant amount of correspondence from the valley folks, the residents have heard this, and they are sending it cloud and clear. So we have been working with Phoenix on a collaborative effort on that. More importantly and I think the most important request we had is we want a seat at the table. Right now, there's individuals in a room that are designing these changes to the flight paths and I think it was absolutely critical that we're at this table. So we made that formal request to have a representative of our city sitting at that table, a technical know-how to understand what's going on so they can continuously remind the F.A.A. that we have to protect our community just as much as the air space.

And then the other piece of it, and I think the most important piece of it, this is not the city of Scottsdale's environmental assessment. This is the F.A.A. So we are asking the F.A.A. to come out and have public outreach, as much as possible, as much as possible. They don't have to do significant but we're asking. And all the communities have. And we even offered up space. We said if you need a place to host the public meeting, we will find a space to host the public meeting. But one, we need to educate the residents of what this metroplex is because there's a lot of confusion. And two, when the draft procedures come out we want to make sure that they come out and explain what they are planning on doing with the air space that may impact the community as well as the airport.

With that, that concludes my presentation. I thank you for the opportunity to come out here and talk to you about what we are doing, we are being very proactive. We appreciate all the support from the council and the mayor's office, which responded to the congressional delegations because they really have that arm with the F.A.A. Thank you very much for your time.

Mayor Lane: Thank you, Gary and thank you, Sarah for that background information on it. And was probably said, that effort continues on both the Next Gen and the Metroplex issues. Next Gen being the most immediate issue we are facing.

PUBLIC COMMENT

[Time 00:26:13]

Mayor Lane: So that presentation concluded, move into a public comment period, and public comment is reserved for citizens comments on non-agendized items, for which no official action will be taken. The speakers are limited to three minutes each, a total of 15 minutes is set aside for public comment. We have two requests at three minutes each and there will be another opportunity at the end of our meeting if there are additional requests to speak in public comment. So I will start with -- we do have two, as I indicated we will start with Steve Kilar. And then Sonnie Kirtley.

Steve Kilar: Hello, good evening. My name is Steve Kilar. I'm the communications director for the Civil Liberties Union of Arizona. I'm here representing the Competitive Arizona Coalition. I know that several of our members have been here before and spoken to you. So in public, and in private meetings, we are a coalition of businesses and organizations who are interested in further economic development in Arizona, through inclusive policies. I'm here tonight to, again, ask you to reconsider your decision to not move forward with a public discourse on the nondiscrimination ordinance. With me tonight, I bring 100 additional postcards, signed by people who live, work, have family and/or visit Scottsdale regularly, asking you to support a nondiscrimination ordinance in Scottsdale. I'm going to read what the cards say and what everyone signed to do here. Scottsdale Mayor Jim Lane and councilmembers, in Scottsdale, LGBT, that's for those of you who don't know, lesbian, gay, bisexual and transgender residents can be fired from their jobs or not served by businesses because of whom they are and whom they love. Discrimination can happen in Scottsdale without the needed protection that the city council provide. I support a nondiscrimination ordinance that protects the LGBT people in Scottsdale from discrimination at work, at home and in the public accommodations. All residents and visitors deserve to be protected. Scottsdale should not discriminate. The card on top happens to be signed by Rick Kidder, the president and the C.E.O. of the Scottsdale Chamber of Commerce. I encourage you all to look through these cards as we bring them to you because I'm sure there will be names of people who you recognize. So please reconsider moving forward with the public outreach process for nondiscrimination ordinance in Scottsdale. I have also left my contact information here if the ACLU can be of any assistance to the city, and continue to consider this nondiscrimination ordinance.

Mayor Lane: Thank you, Mr. Kilar. Next will be Sonnie Kirtley.

[Time: 00:29:27]

Sonnie Kirtley: Good evening, Mayor Lane and councilmembers. I'm speaking to you as a private citizen. My name is Sonnie Kirtley. I live at 8507 East Highland. I lived there 47 years. So all the closets are full. On the screen, I have two advertisements that recently Valley Metro pulled these ads

from their light rail. And the reason they pulled these ads is because they claim that they are too sexually explicit. It happens to be a place I shop. It's My Sister's Closet, the first ad says: Make a booty call and they sell boots. The second ad says: Wanted, one night stand. That's My Sister's Attic where they sell furniture. Here's another ad. My question is: What is the city of Scottsdale's criteria for too sexually explicit? This is on the back of one of those passenger golf carts that goes through our town. Not in the entertainment district, but in old town Scottsdale. Our tourist center. Additionally, I received a complaint a couple of weeks ago when I shared with some of the women on the council asking does this offend you. 5:30 in the afternoon, drunken patrons can only be described as drunken, unruly patrons were shouting to our tourists along the sidewalk from this very same advertised golf cart. So my question is: Is this the Scottsdale we want our visitors to remember? And then what's really odd, this business is not even in Scottsdale. So I know that you can't take this as an action item, but, really, let's figure out some way to do some action on this. Maybe the size of a sign could be like a postage stamp. Please give it some thought. Thank you.

Mayor Lane: Thank you, Sonnie. That completes the public comment at this time.

MINUTES

[Time: 00:32:17]

Mayor Lane: The next item of business is our minutes, and the minutes have been distributed to us previously and I would ask if there are any comments or otherwise, if not, I would ask if we have a motion to approve the regular meeting minutes of April 14th, 2015.

Vice Mayor Milhaven: So moved.

Councilwoman Littlefield: Second.

Mayor Lane: Moved and seconded. No additional indications are requested to speak on it. We are then ready to vote. All those in favor, please indicate by aye, and register your vote. Aye. The minutes are approved unanimously. Thank you very much.

CONSENT AGENDA

Mayor Lane: Moving on to the next item which are consent items 1 through 7. I have no cards or requests to speak on any of those or any indications of a request to move consent items 1 through 7. Unless there's any comment on it -- oh, I'm sorry. Actually, I do have it indicated that -- yes, I have an indication that it is in regular agenda. In fact, as the second item on regular agenda. But no indication that it was to be moved from it. So okay, we will then be talking about consent items 1 through 7, absent item 4.

Councilwoman Littlefield: So moved.

Vice Mayor Milhaven: Seconded.

Mayor Lane: Moved and seconded. That was to accept the consent items, 1 through 7, absent item 4. All those in favor please indicate by aye and register your vote. Those with a nay. Unanimous acceptance of consent items 1 through 7, absent item 4. If you are here for those consent items, other than 4, you are free to stay with us or to leave.

But we have some reason, did we request -- did someone request that item 7A come first on this, or do -- okay. So that item 4 would actually take a second position. Okay. We did not get that notice.

ITEM 7A – APACHE PARK REAL ESTATE AGREEMENT EXHIBIT A

[Time: 00:34:27]

Mayor Lane: So then we would start with item 7a which is the Apache Park real estate agreement Exhibit A. And Mr. Worth is here to discuss that item.

Public Works Director Dan Worth: Good evening mayor and council. I apologize for being here to talk about the exact same item I talked to you about last week. The reason I have to talk to you about it is because we made an error and the attachment with the legal description for the parcel that you approved the city to purchase last week was the incorrect legal description and because of the interest in this particular item, we wanted to make sure that you were aware that we had the incorrect legal description attached to that content. We wanted to show you what was attached, and show you the correct one and give you the opportunity to help us make that correction to this exhibit to this contract.

I will show you three pictures, the outline in red in this particular picture is the outline of the parcel that the city initially proposed to the school district for purchase, when we started this process about a year ago. It essentially is restricted to that area, that we need to be able to do the construction for the flood control detention project that we need to build here. The second picture is an expanded area and you can see right in the center of the picture, we'll go back to the first one, there's a building that's not included and there's a building that's included. I talked you to last week about a restroom building that's associated with the park. The school district came back to us after we made our initial proposal and requested for us to enlarge the purchase to include the restroom building. The restroom building doesn't serve any purpose for the school district. We will still maintain it whether we own it or not under the terms of the intergovernmental agreement that's in place. We agreed. We would get a fairly good price because they were going to add it at the same dollar per square foot price that we were paying for the land. They subsequently came back and unasked us to buy the restroom building for whatever reason they had, they desired to reduce the size of the parcel and we ended up with this, which is very close to what we original requested.

This is the legal description that should have been attached to that contract, that you approved last week. This was the one that was attached. The contract itself doesn't change. This legal description is the one that is 2 million, 22,022 square feet. That's the size of the parcel identified in

the contract. That's the size of the parcel that we used as the purchase price for the land. It doesn't have an effect on the rest of the contract other than we included the wrong legal description and we need to correct that so it gets reported properly. So with that, I will entertain any questions.

Mayor Lane: Thank you, Mr. Worth. All the questions should have been asked last time, I suppose, since we have that situation, but I do have one. That is, we had the same exception of the item being removed from -- I'm sorry. I was distracted. The restroom, was it removed in the first time this run through or is that something new and new development since the legal description was correctly inputted?

Public Works Director Dan Worth: The legal description that included the restroom was an intermediary step during the negotiations. It was not intended to be presented to you.

Mayor Lane: Was that the nature of the error?

Public Works Director Dan Worth: That's the nature of the error.

Mayor Lane: Just to follow up on that a little bit. Ultimately, I know this is meant to be a water retainage area for the drainage of the Granite Reef watershed area. Are we going to continue to just have it as a retainage basin or will it end up, even though it will be dug out to be used in that sense, will it be used as a playing field at the same time?

Public Works Director Dan Worth: We plan to build it so we can continue to use it as a park. The restroom facility which will remain on school district property will still be maintained and operated by the city under the terms of the intergovernmental agreement that's currently in place for the park. The intergovernmental agreement also governs the joint use of the parking lot that you see to the east of the detention basin. Both the building and the parking lot will -- the school will continue to own those, but they will both be covered by the I.G.A. They will both support continued use of the detention basin as a sports field, much like we do with detention basins in other parts of the city.

Mayor Lane: Thank you. That's clarification for me. Thank you. Councilman Smith.

[Time: 00:39:52]

Councilman Smith: Thank you, mayor. Just in the interest of making sure that we have the right facts now. You said at one point tonight, that this is now a revised parcel of 2,022,000 square feet. Is that correct or I thought it was a tenth of that number.

Public Works Director Dan Worth: You are correct, it's \$2,022,000, we will get for \$10 a foot. It's 202,000.

Councilman Smith: Okay. Just wanted to let you know I was listening.

Public Works Director Dan Worth: Thank you. Or I would be back next week to correct that.

Mayor Lane: Councilman Phillips.

Councilman Phillips: Do we own the land that's south of that? I think that's the tennis court there, all that land there.

Public Works Director Dan Worth: Mayor, Councilmember Phillips, I don't believe we do. I believe that's owned by an H.O.A.

Councilman Phillips: Oh, the H.O.A. owns that. Thank you.

Mayor Lane: Thank you, councilman. Councilwoman Littlefield.

Councilwoman Littlefield: I just had a quick question for you, Mr. Worth. I was reading through this contract and it says that to the extent any real estate commissions or brokerage or similar fees at any time would be payable in connection with this that the buyer is the sole, has the sole obligation for that. Do you know what those fees would be? Are they in addition to the 2,000,022 or how does that work out?

Public Works Director Dan Worth: Mayor, Councilwoman Littlefield, I can't answer that off the top of my head. I can find out and get back an answer to you. I'm not sure that there was any broker fees associated. There can't be. There were no brokers involved in the transaction. That's just standard language in our purchase agreement. We dealt directly with the seller right from the start.

Councilwoman Littlefield: Okay thank you.

[Time: 00:41:59]

Councilmember Korte: I would like to make a motion to approve the correct version of Exhibit 8, to contract 2014-120-cos as presented in the council report.

Councilman Smith: Second

Councilwoman Klapp: Second

Mayor Lane: A motion has been made and seconded. Seeing that there's no further comments or request to speak on, it are we ready to vote? All of those in favors please register your vote, aye. The motion passes 6-1 with Councilman Phillips opposing. Thank you very much, and I'm presuming Dan, you are steadfast in your position because you will addressing us on the item 4, the city office complex real estate sale agreement.

ITEM 4 – CITY OFFICE COMPLEX REAL ESTATE AGREEMENT

Public Works Director Dan Worth: Mayor, that is correct. We are proposing the sale of the building

that's currency excess to the city of Scottsdale's needs. The building is shown in the diagram. It's just to the east of where we are now on Main Street. The building formerly housed the but being of our human resources department, we relocated the human resources staff to several locations but primarily to our north corporation yard location over the past year. The building is now vacant.

The key terms of the proposed sale, it's a 42,000 square foot parcel, three buildings, just under 40 years old, totaling about 13,000 square foot. It's a sale. We are proposing a sale to Scottsdale unified school district, another public agency, Section 2-221 of the city code allows the city to do real estate transactions with other government agencies. When we do that, we do that at market value, and we ascertain the market value through an appraisal process. The city did an appraisal and we came up with the value that you see, based on the land, not the building. At about \$50 a square foot. It came out higher based on the land value. And the school district did an appraisal that was fairly close to ours and we essentially split the difference and ended with a number of \$2,022,000, which was within less than 5% of our appraised value. The other part of the contract is has a 60-day due diligence period. The school district can inspect the building and ensure they haven't missed anything. The transaction will close at the end of that 60-day period. And, again, I will answer any questions you may have.

Mayor Lane: All right. Thank you, again, Dan for the explanation on that transaction. I don't have any particular question on this item, but if there is a motion, we will accept a motion.
Councilmember Korte.

Councilmember Korte: Thank you, mayor. I move to adopt Resolution 9853 authorizing real estate agreement, 2014-121-COS for the sale of a city complex located at 7575 East Main Street to Scottsdale Unified School District in the amount of \$2,022,000.

Councilman Smith: Second.

Mayor Lane: Motion has been made in accordance with four. And a second. Any comment from the second? Seeing none and seeing no other comment, then I think we are ready to vote on that item. All those in favor, please indicate by aye and those opposed with a nay. Aye. The motion passes 6-1, Councilman Phillips opposing. Thank you very much, Dan.

ITEM NO. 8 – GENERAL PLAN 2035 ADOPTION PROCEDURES

[Time: 00:46:05]

Mayor Lane: Okay. Our next item of business is item 8, on the regular agenda, and it's the General Plan 2035, adoption procedures and we have Erin Perreault, planning neighborhood and transportation manager here to address us on this item. Erin, welcome.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Thank you. Mayor Lane, members of council, today I'm here to provide you with a brief update on General Plan 2035. Just to remind all of you that the general plan process is a multiyear process and multi-phased process. So

we have completed the visioning process with the community, and the drafting of the plan process with the community, specifically the task force citizen committee that drafted that plan. Currently we are in phase three, which is the public input and editing the plan process. So the draft plan is online and has been since November of 2014. And we are collecting public comments on, that as well as other board and commissions, city, boards, commissions and task force comments on it. In the fall of this year, we will be headed into the formal state statute required public hearings and then possible council consideration of adoption by the end of the year.

In terms of where we have come and how far we have come in this process, in January of 2013, the council provided direction to city staff with regard to what the process should look like for this general plan update, what the participation opportunities should be with the community, and then what that schedule should be for the general plan as well. We came back to the council to formalize that direction and a couple of resolutions that were adopted by council in May of 2013, which was a resolution regarding the written procedures about the process, about the public participation and the schedule as well as at that time the council established the task force. From May 2013 through March of 2014, a lot of activity occurred throughout the community, specific to the public participation opportunities, whether it was workshops, open houses and, of course, 32 task force meetings were held. At the end of all of that, we brought a first draft plan from the task force forward to the city council.

In March of 2014, city council gave some input on the first draft of the plan, but then changed the schedule. The schedule pushed the public outreach further into 2014, as well as the task force efforts further into 2014, and then -- which pushed back the public outreach and formal public hearing process to 2015 or this year. Between March and November, the task force continued their work and made a final recommendation on a draft plan in November of 2014.

That brings us to this evening. This evening, what we are doing is simply repealing the original resolution and that original timeline, going with the new council direction in terms of timeline and updating the procedures that will take us through the public adoption process and then ending it for ratification of the voters eventually. What that schedule looks like includes planning commission study sessions which have already started to occur. They started in April. We anticipate them going through the end of June. That's really just walking the planning commission through all of the content and the general plan to familiarize them with what the task force is recommending to them. And then we have a scheduled study session in June with the city council to do basically the same thing, walk you through the current draft of the document, provide you with any input that we are receiving from the community so that you are up to date on the document and what we are hearing.

May through September, we will be discussing the document with all other city commissions, boards and outreach, and we will be out with the state statute requirement with an open house, possibly more than one in September and then be updating the planning commission in the study session at that time with regard to what we have heard, basically over the summer and into the fall from the community. In October, we start the formal adoption process, which includes state statute required remote planning commission hearing, and a recommendation hearing. We will also come back to council at that time and provide you with an update on suggested edits that from other boards and

commissions. And then we anticipate being in front of the council with regard to consideration for adoption of the plan. Should the council decide to adopt the plan at that time, then you would need to take the state statute and send it to the next available election, which we anticipate being November of 2016.

So that brings you up to date to where we are. We are just updating the resolution to take us forward into that public hearing process and, of course, adoption and ratification phases for the plan. If you have any questions, I'm happy to answer them at this time.

Mayor Lane: Thank you, Erin. Very much appreciate the presentation and the timeline. And on my copy here, it does indicate that in November of 2016, you become eligible for parole.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Potentially.

[Time:

Mayor Lane: We do have a question or comment from Councilwoman Littlefield.

Councilwoman Littlefield: How many questions or comments have you received on the plan?

Planning, Neighborhood, and Transportation Manager Erin Perreault: I don't know the exact number of comments but based on the open houses and everything, we kept a matrix for not only the Planning Commission but also City Council. So when we come forward in June, you will have all the comments that we have. We have pages of those comments in a matrix. So quite a few of them.

Mayor Lane: Thank you, councilwoman. Since there are no further comments, no public testimony on this, I think then we are ready to accept a motion. And that motion would be, of course --

Councilwoman Klapp: Mayor. I move to adopt Resolution Number 10100.

Vice Mayor Milhaven: Second.

Mayor Lane: Motion has been made and seconded. Any requests for any further comment on it? Seeing none, I think we are then ready to vote. All of those in favor please indicate by aye and nay if you oppose. Aye. It's unanimously accepted. Thank you very much, Erin.

ITEM NO. 9 – PEDALBUS CODE AMENDMENT

[Time: 00:53:22]

Mayor Lane: Next item on our agenda is pedalbus code amendment and this to adopt Ordinance 4201, amending Article XI Section 17-381, 17-382, 17-383, and so on and so forth as we can probably discuss later on as we get to that point. We have Aaron Minor here, the police commander to address the subject.

Police Commander Aaron Minor: Good evening mayor and council, my name is Aaron Minor, I'm the police commander with the downtown district. I'm here to talk to you about the amendments for the city code regarding the regulation of pedalbuses. The primary purpose of my presentation here is to talk about some of the amendments and how they would bring into confirmation with the statutes that regulate pedalbuses, licensed in the state of Arizona. Essentially there are five things that we will talk about or that I'm going to talk about and the first thing it adds a new classification of limousine pedalbuses licensed by state as limousines. Second, it allows pedalbuses to be 6 inches wider than what currently ordinance permits. Third, allows limousine pedalbuses not to have amber lights on front since they are licensed as motor vehicles. Number four changing the insurance requirements to align with that of regular limousines to avoid a potential conflict with state law. And lastly, allows passengers on state licensed limousine pedalbuses to drink beer or wine in plastic cups or paper cups. Under current state law, other limousines are permitted to allow passengers to consume alcohol.

Some of the reaction to the new state law is as follows: There has been some citizen opposition to some parts of the proposed ordinance amendment including opposition by the Coalition of Greater Scottsdale. Pedalbus operators have been supportive of the proposed changes and provided input into the ordinance amendments. HB-2211 is effective July 3rd, 2015 and provides statewide recognition of the motorcicle Quadracycles which are essentially pedalbuses. That's all that I have.

Mayor Lane: Thank you, commander. I appreciate that quick and clear synopsis of the situation. I do not have any public testimony requests to speak on this subject. And at this present time, I don't have any questions from council. I do now. Councilman Smith.

[Time: 00:55:58]

Councilman Smith: Thank you, mayor. The change in the ordinance to allow beer and wine to be consumed on these vehicles, can you give us some discussion of how we came to the decision that we should be allowing beer and wine to be consumed on these quote/unquote limousines.

Police Commander Aaron Minor: Councilman, the proposed amendment is to bring in to alignment with the pedalbuses as a limousine which is a similar that allows a limousine as you would know a limousine to drink beer and wine in the limousine. So this would just bring in the -- the proposal brings the pedalbus in line with that same state statute.

Councilman Smith: Are you then saying that the state statute provides that these vehicles can serve beer and wine and only beer and wine?

Police Commander Aaron Minor: Under state law, the beer and wine is the only alcohol that would be allowed for the pedalbus, yes. That's the proposal.

Mayor Lane: The city attorney wanted to weigh in for a moment. Mr. Washburn?

City Attorney Bruce Washburn: Thank you, Your Honor. Just to clarify on that. The state statute for all limousines allows consumption of all sorts of liquor and alcohol, but the city ordinance would be in alignment with that but it would be limited to just beer and wine in the paper and plastic cups. Kind of a compromise between nothing at all and the state statute allows for all types of limousines.

Councilman Smith: And I guess I'm -- I suppose my question is, if we can only go halfway to meeting the state allowance, I mean, why don't we start from zero, why don't we allow nothing to be served on these pedibus limousines and -- because it seemed to me we are likely to be challenged by only going halfway. Can you clarify, one of you?

City Attorney Bruce Washburn: Yes, certainly. The City has had discussions with the company that wants to operate pedibuses in the city of Scottsdale and the place where we are at right now, is if we would only go halfway, and just do the beer and wine, and then in fact the challenge will not be brought. So we won't have to be involved in that litigation over whether it's all or nothing. It's a compromise that's been reached between the City and the potential operator, subject to council approval. It's your decision ultimately.

Councilman Smith: So this in general agreement with one applicant operator? Are there other potential operators?

City Attorney Bruce Washburn: There is nobody else that we know of that is intending to operate in the city of Scottsdale right now. So this is the one we are aware of. That's not to say that somebody else couldn't. It's not a market that easy to enter because the pedibuses, they are not -- they are not inexpensive. It's a major undertaking to get into this market. So it's possible that, in fact, we will just have the one operator, but there's no guarantee.

Councilman Smith: Well, I think -- I don't suppose I have another question, but I will tell you my comment, and that is I don't support having beer and wine or liquor of any kind on the moving vehicles through the entertainment district or out of the entertainment district or all over town or whatever. If I'm going to impose a limit that is sort of half what the state allows, I would just as soon impose a limit of nothing at all and see what happens. So I won't be supporting that particular aspect of the presentation. Thank you.

[Time:

Mayor Lane: Thank you, councilman. Councilman Phillips.

Councilman Phillips: Thank you, mayor. So I don't know if our city attorney or if you want to answer this. Can we regulate where they go? Are they allowed to go on any major streets or thoroughfares? Or are they restricted to a certain area?

City Attorney Bruce Washburn: The state law restricts them to streets that are 25 miles per hour or less, unless they are crossing that street. So they are limited in that respect.

Councilman Phillips: So they won't be on Scottsdale Road then.

City Attorney Bruce Washburn: They should not be on Scottsdale Road, correct.

Councilman Phillips: It's funny our legislature in their infinite wisdom would say that a pedalbus with a bunch of rowdy boisterous people is the same as a limousine where they are inside with smoke dark windows where nobody can see what they are smoking or drinking. It should have been a separate ordinance, but that's the state legislature. I know if we go against this, we will probably have a lot of legal problems. And I don't really want that and at the same time, I don't want this either. So it's a tough thing to do. You have to vote for something you don't want to see happen. So I guess we will see how the rest of the council goes. I'm not really in favor of it. Once again, you know, we don't do it, the state -- or the guy can sue us because we don't align with the state.

[Time: 01:01:44]

Mayor Lane: Yes. Thank you, councilman. Councilmember Korte.

Councilmember Korte: Thank you, mayor. Can you tell us other cities where pedalbuses operate and their operation under a similar ordinance such as this and the impact. Is there any data? Are there examples? Anything?

City Attorney Bruce Washburn: As far as I know, there are other cities where pedalbuses operate, but they do not have these kinds of restrictive ordinances. They just let them operate consistent with the state law. So they don't even have the limitation to the beer and the wine, and plastic and paper cups.

Councilmember Korte: The other mobile devices that are used within the entertainment district, there's some -- there's pedicycles and also some golf carts and things like that, are those restricted from alcohol use?

Police Commander Aaron Minor: Yes. Yes, they are.

Councilmember Korte: Okay. Thank you.

[Time: 01:02:58]

Mayor Lane: Thank you, councilwoman. Councilwoman Littlefield?

Councilwoman Littlefield: I have a number of reservations on this the first one is I don't like being blackmailed into doing something I don't think is a good idea for Scottsdale. You said these are going to be 6 inches wider and they will be on streets that go 25 miles per hour or less. So those are normally rather narrower streets rather than the thoroughfare like Scottsdale Road. Is the extra width going to be a problem in turns and corners?

Police Commander Aaron Minor: Not to my knowledge, no.

Councilwoman Littlefield: Insurance. I noticed that the insurance amount that was required was decreased. I assume to meet state requirements?

City Attorney Bruce Washburn: That's correct.

Councilwoman Littlefield: Is there any plan of increasing Scottsdale's insurance, because if an accident occurs, quite likely, that you would have multiple people hurt and Scottsdale would have much deeper pockets in which to delve so to speak. Do we have any plans on increasing insurance under something like that?

City Attorney Bruce Washburn: Not that I'm aware of. The City has its liability insurance that would protect it and any of these kind of risk matters, the same or other types of accidents that might occur on city streets.

Councilwoman Littlefield: I have a very hard time looking at a pedalbus and saying it's a limousine. It doesn't make sense to me. It doesn't seem rational to me. And it doesn't seem logical that a limousine which is totally enclosed and totally confined is the same as a pedalbus with people sitting on tools in the open air pedaling to make the thing go while they are drinking wine and beer. It's not at all the same kind of vehicle and it's not -- it doesn't serve the same purpose. So to me, what you are asking us to do is approve a very dumb idea by the state in order to stay in conformance with their dumb idea. And it's a very difficult situation for me to be in because I don't want these things in Scottsdale. I don't think they are a good idea. I think they are going to cause eventually a great deal of problem and yet I'm kind of coerced here into voting for it. So I really have a real hard time with this one. Thank you.

[Time: 01:05:38]

Mayor Lane: Thank you, councilwoman. If I might just ask the question, we have two types of vehicles here and I think there are some differences between a pedalbus and a pedalbus limousine. I don't know if it's because it's six inches wider or it's the type of the ability to move through traffic aside from pedaling or what other items, even as far as headlights versus amber lights those kinds of things in order for it to be licensed as a pedalbus limousine. The pedalbuses will not be changed in any way, shape or form with what we are proposing here; is that correct? It's only those licensed by the state as pedalbus limousines which has a slightly different configuration or shape or size or otherwise with regard to their limousine status, pedalbus limousine.

City Attorney Bruce Washburn: Correct, you are absolutely correct. Pedalbuses and pedal bus limousines are not the same thing.

Mayor Lane: And we are not changing anything from the pedalbuses.

City Attorney Bruce Washburn: I think the insurance is changing with respect to pedalbuses. In

terms of drinking of alcohol in public and that sort of thing, no, that's just the ones that are the limousines. And the width has changed for both, I'm sorry.

Mayor Lane: No other changes than maybe the amber light versus the headlight or is there --

City Attorney Bruce Washburn: Right. The pedalbus limousines don't have to have the amber light and the pedalbus limousines will have the ability to drink beer and wine in paper and plastic cups.

Mayor Lane: I'm just talking as a licensed vehicle on the roadway, as a limousine, I'm presuming they have to have the standard type of safety devices that any vehicle would have, much less a limousine?

City Attorney Bruce Washburn: Right. Yes. There's specific regulations with respect to what the equipment is that they have to have, yes.

Mayor Lane: Okay. Thank you. Councilman Smith.

[Time: 01:07:43]

Councilman Smith: Thank you, mayor. Maybe the audience is concerned about what makes a limousine and what makes a pedalbus. Can you, either of you sort of describe what creates this limousine?

City Attorney Bruce Washburn: I would say the two most distinguishing features about the pedalbus limousine is they are the ones that have to have helper motors, which makes them motor vehicles and they are licensed by the state as limousines.

Councilman Smith: A question I guess I meant to ask earlier. Can we as a city simply not allow pedalbus limousines? Drinks or no drinks we just don't want those vehicles in our town.

City Attorney Bruce Washburn: No.

Councilman Smith: I wish the answer was yes, but sadly, it's not.

City Attorney Bruce Washburn: We would probably not be having this conversation.

Councilman Smith: The other thing I would like to clarify, Mr. Washburn, you said that we have city insurance and if something does come to pass and we have a lawsuit from one of these, you should perhaps make it clear to the public, we do have insurance, but it's after a substantial deductible by the city. And that's what creates these large add-ons that we have to people's property tax bills when we are faced with paying liability for occurrences that are within our deductible.

City Attorney Bruce Washburn: Yes, if that's a question we have a self-insured retention.

Councilman Smith: Of several million dollars.

City Attorney Bruce Washburn: For this type of liability, an accident, it would be \$2 million self-insured retention.

Councilman Smith: Okay. I'm going to respond to something that I guess Councilwoman Littlefield said, it is a dumb idea. And like her, I don't want to be coerced into going along with it. And as far as I'm concerned, I will just vote against it and see what happens because I cannot in good conscious vote for the dumb idea. Thank you.

[Time: 01:09:59]

Mayor Lane: Thank you, councilman. Councilwoman Klapp.

Councilwoman Klapp: Well, like it or not, it's state law, and we have to align with state law in this ordinance. So I will make a motion that we adopt Ordinance number 4201, amending Article 11, Section 17-381, 17-381, 17-383, 17-385, 17-386, and 17-389 of Chapter 17, motor vehicles and traffic of the Scottsdale revised code for the regulation of pedalbuses licensed as limousines.

Councilmember Korte: Second.

Mayor Lane: Would the second like to speak towards it at all? No? Okay. We have one standing request to speak on it. I will allow Councilwoman Littlefield.

Councilwoman Littlefield: I had one other question that I forgot to ask you. This goes to you, Mr. Washburn. I understand in Scottsdale, we have an ordinance that does not allow drinking on the public streets or the sidewalks or things like that in open containers. How does this affect that? Does it make our law null and void?

City Attorney Bruce Washburn: The open carry law, the open container laws is a state law and it's still in effect. It just doesn't apply to people who are passengers in pedalbus limousines.

Councilwoman Littlefield: Not that open part. Okay. Thank you.

Mayor Lane: Thank you councilwoman. Seeing that we have to further comments. Thank you very much, commander. I appreciate it and thank you, Mr. Washburn. I think we are then ready to vote as the motion has been indicated. So all of those in favor, please indicate by aye. Those opposed with a nay. The motion passes 4-3. With Councilwoman Littlefield, Councilman Smith and Councilman Phillips opposing. Thank you, everyone, for their input on that.

And the next couple we have no further public comments. Citizen petitions. And any mayor council items. None notes.

ADJOURNMENT

[Time: 01:12:05]

Mayor Lane: I would accept a motion to adjourn.

Vice Mayor Milhaven: Move to adjourn.

Councilmembers: Second.

Mayor Lane: I think we have enough seconds out of that for a majority. So moved.