

SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 13, 2018



CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251

**CALL TO ORDER**

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:01 P.M. on Tuesday, November 13, 2018, in the City Hall Kiva.

**ROLL CALL**

Present: Mayor W.J. "Jim" Lane; Vice Mayor Guy Phillips; and Councilmembers Suzanne Klapp, Virginia L. Korte, Kathleen S. Littlefield, Linda Milhaven, and David N. Smith

Also Present: City Manager Jim Thompson, City Attorney Bruce Washburn, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Cub Scout Pack 40, Leader Andrew Armstrong

**INVOCATION** – Reverend Cathy Patterson, Fountain of Life Church

**MAYOR'S REPORT**

Mayor Lane congratulated the Parada Parade Committee on receiving the Best Urban Event Award from the Arizona Office of Tourism.

**PRESENTATIONS/INFORMATION UPDATES**

- **2018 ICMA Certificate of Excellence in Performance Management**  
**Presenter(s):** Megan Lynn, Management Assistant

Management Assistant Megan Lynn gave a presentation (attached) on the 2018 International City/County Management Association Certificate of Excellence in Performance Management that was awarded to the City.

**NOTE:** MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

## **PUBLIC COMMENT**

- Patty Badenoch expressed concern about noise from the Hotel Adeline.
- Pat Shaler responded to the City Manager's report on the Neptune Swimming Foundation citizen petition.
- Andrea Keck commented on citizen participation and election results for Proposition 420 and Council candidates.
- Sandra Schenkat commented on Canal Convergence, campaign sign recycling, Tour de Tavern, and traffic.
- Chris Doran presented a proposal for placing ten portable restrooms in the entertainment district.

## **MINUTES**

**Request:** Approve the Regular Meeting Minutes of October 2, 2018, and October 16, 2018; and the Special Meeting Minutes of October 16, 2018.

## **MOTION AND VOTE – MINUTES**

Councilwoman Klapp made a motion to approve the Regular Meeting Minutes of October 2, 2018, and October 16, 2018; and the Special Meeting Minutes of October 16, 2018. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

## **CONSENT AGENDA**

- 1. Biscuits Café Liquor License (71-LL-2018)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.  
**Location:** 15600 N. Hayden Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 2. Goodwood Liquor License (72-LL-2018)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for an existing location with a new owner.  
**Location:** 7330 E. Stetson Drive  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 3. Gyros Plus Liquor License (73-LL-2018)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.  
**Location:** 15090 N. Northsight Boulevard, Suite 114  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**4. Permanent Extension of Premises for Lawrence Dunham Vineyards, LLC (8-EX-2018)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 19 (remote tasting room) State liquor license for an existing location to expand the patio.

**Location:** 7134 E. Stetson Drive, Suite B100

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**5. Ganz Abandonment (8-AB-2018)**

**Request:** Adopt **Resolution No. 11299** authorizing the abandonment of the 25-foot-wide right-of-way along the northern boundary of the property with Single-Family Residential District (R1-10) zoning.

**Location:** 6411 E. Lafayette Boulevard

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**6. Country Inn Hotel Rezoning (16-ZN-2017)**

**Requests:**

1. Adopt **Ordinance No. 4371** approving a zoning district map amendment to amend a previously approved development plan to allow for a hotel on a 36,788± square-foot site with Planned Unit Development (PUD) zoning.
2. Adopt **Resolution No. 11298** declaring the document titled "*Country Inn Hotel Development Plan*" to be a public record.

**Location:** 7312 E. Thomas Road

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**7. Schools/Educational Services Update Text Amendment (4-TA-2018)**

**Requests:**

1. Adopt **Ordinance No. 4365** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Sections 1.305, 1.403, 1.1500, 3.100, 5.012, 5.022, 5.032, 5.102, 5.202, 5.302, 5.402, 5.502, 5.552, 5.603, 5.703, 5.803, 5.903, 5.1003, and 5.2003 to update land use regulations for private schools to comply with state statute, changes to the format of these sections, and to update definitions related to schools.
2. Adopt **Resolution No. 11261** declaring the document titled "*Schools/Educational Services Update Text Amendment*" to be a public record.

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**8. Electrified Fencing Ordinance**

**Request:** Adopt **Ordinance No. 4370** amending Section 18-14 of the Scottsdale Revised Code to prohibit electrified fencing.

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

- 9. Rawhide Wash Flood Hazard Mitigation Project Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 11263** authorizing Agreement No. 2018-164-COS with the City of Phoenix and the Flood Control District of Maricopa County for the design, rights-of-way acquisition, and utility relocations of the Rawhide Wash Flood Hazard Mitigation Project.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- 10. Acceptance of Road Right-of-Way Dedications**  
**Request:** Adopt **Resolution No. 11297** authorizing the acceptance of road right-of-way from three property owners located at 9020, 9040, and 9320 E. Jomax Road.  
**Location:** North side of Jomax Road, east of Pima Road  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 11. The Saguaro Hotel Outdoor Dining Revocable License Agreement**  
**Request:** Adopt **Resolution No. 11274** authorizing Agreement No. 2018-169-COS with Sydell Scottsdale, LLC, for an outdoor dining patio on City property.  
**Location:** 4000 N. Drinkwater Boulevard  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 12. Rockbar Outdoor Dining Revocable License Agreement**  
**Request:** Adopt **Resolution No. 11282** authorizing Agreement No. 2018-176-COS with JE Southwest Group Real Estate, LLC, for an outdoor dining patio on City property.  
**Location:** 4245 N. Craftsman Court  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

Item 12 was removed from the agenda at the request of staff.
- 13. LDV Winery Outdoor Dining Revocable License Agreement**  
**Request:** Adopt **Resolution No. 11287** authorizing Agreement No. 2018-180-COS with RBB Properties 2, LLC, for an outdoor dining patio on City property.  
**Location:** 7134 E. Stetson Drive, Suite B110  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 14. Wireless Telephone Antenna Site Revocable License Agreement**  
**Request:** Adopt **Resolution No. 11296** authorizing Agreement No. 2013-046-COS-A1, the first amendment to the agreement with Alltel Communications Southwest Holdings, Inc., dba Verizon Wireless, permitting the installation of a diesel generator and an additional fiber route to upgrade the wireless site at the City of Scottsdale North Corporation Yard.  
**Location:** 9191 E. San Salvador  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 15. Wireless Communications Antenna Site Revocable License Agreement**  
**Request:** Adopt **Resolution No. 11235** authorizing Agreement No. 2018-137-COS with Verizon Wireless, LLC, permitting the installation and operation of a wireless site at Aztec Park.  
**Location:** South of the southwest corner of 100<sup>th</sup> Street and Frank Lloyd Wright Boulevard  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

- 16. Architectural Services Contracts for Capital Improvement and Facilities Projects**  
**Request:** Adopt **Resolution No. 11283** authorizing the following on-call architectural services contracts for an initial two-year term, in an amount not to exceed \$1,500,000 per contract, with the option to extend for three additional one-year periods:
1. Contract No. 2018-177-COS with Fucello Architects, LLC
  2. Contract No. 2018-178-COS with Weddle & Gilmore Architects, LLC
  3. Contract No. 2018-179-COS with DWL Architects-Planners, Inc.
- Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 17. Pima Road Bridge Widening at the Arizona Canal**  
**Requests:**
1. Adopt **Resolution No. 11304** authorizing CM@Risk Contract No. 2018-189-COS with FNF Construction, Inc., in an amount not to exceed \$2,441,093.46, to provide construction phase services for the Pima Road Bridge widening over the Arizona Canal as part of the Pima Road, Krail to Chaparral project.
  2. Adopt **Resolution No. 11305** authorizing Land Use License Agreement No. 2018-190-COS with the Salt River Project Agricultural Improvement and Power District to license an area across the Arizona Canal for an existing pedestrian bridge, existing vehicular bridge, and widening of the existing vehicular bridge.
- Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 18. HOME Investment Partnership Program Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 11259** authorizing Agreement No. 2018-039-COS-A2, the second amendment to the agreement with Maricopa County, on behalf of the Maricopa HOME Consortium, to receive FY 2018/19 Federal HOME Investment Partnership funds in the amount of \$331,572.
- Staff Contact(s):** Bill Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)
- 19. McDowell Sonoran Preserve Donation Acceptance**  
**Request:** Adopt **Resolution No. 11241** to authorize:
1. Acceptance of a \$50,000 donation from Arizona Public Service for improvements to the Pima/Dynamite Trailhead in the McDowell Sonoran Preserve.
  2. A FY 2018/19 General Fund Capital Contingency Budget Appropriation transfer in the amount of \$50,000 to the Pima/Dynamite Trailhead Capital Project (PB65).
- Staff Contact(s):** Kroy Ekblaw, Preserve Director, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov)
- 20. McDowell Sonoran Preserve Agreement**  
**Request:** Adopt **Resolution No. 11278** authorizing Agreement No. 2018-171-COS, a new five-year agreement with the McDowell Sonoran Land Conservancy, in the amount of \$49,500 for the first year (FY 2018/19) and provide up to \$150,000 in waived facility rental fees for functions related to supporting the McDowell Sonoran Preserve.
- Staff Contact(s):** Kroy Ekblaw, Preserve Director, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov)
- 21. Goodguys Southwest Nationals WestWorld Event Agreement**  
**Request:** Adopt **Resolution No. 11247** authorizing Agreement No. 2018-160-COS with Goodguys Enterprises, Inc., to produce the Goodguys Southwest Nationals events in November 2018 and March 2019 at the WestWorld facility.
- Staff Contact(s):** Brian Dygert, WestWorld General Manager, 480-312-6825, [bdygert@scottsdaleaz.gov](mailto:bdygert@scottsdaleaz.gov)

**22. ArtFest of Scottsdale**

**Request:** Adopt **Resolution No. 11300** to authorize:

1. Funding not to exceed \$15,000 from the portion of the Tourism Development Fund that is allocated toward event retention and development for the ArtFest of Scottsdale event.
2. New Event Funding Agreement No. 2018-184-COS with Andrew Maguire & Associates, LLC.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

**23. Noriega Livery Stable Lease Agreement**

**Request:** Adopt **Resolution No. 11290** authorizing Agreement No. 2018-181-COS with Parada del Sol, Inc., for use of the indoor space of the Noriega Livery Stable as a rodeo and western-themed museum.

**Location:** 3806 N. Brown Avenue

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

**24. Proposition 202 Grant Funds Acceptance**

**Request:** Adopt **Resolution No. 11264** to authorize:

1. The City to accept \$205,530 in Proposition 202 Tribal Gaming funds from the Gila River Indian Community.
2. A budget transfer in the amount of \$205,530 from the adopted FY 2018/19 Grant Contingency and/or the Future Grants Budget to newly created cost center assigned to record all the grant activity.
3. The Government Relations Director to execute any necessary documents to facilitate the receipt or transmittal of the specified grant money.

**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)

**25. Proposition 202 Funds Acceptance Intergovernmental Agreement**

**Request:** Adopt **Resolution No. 11279** to authorize:

1. Agreement No. 2018-174-COS with the Salt River Pima-Maricopa Indian Community to accept \$1,270,000 in Proposition 202 Tribal Gaming funds.
2. A budget transfer in the amount of \$70,000 from the adopted FY 2018/19 Grant Contingency Budget and/or the Future Grants Budget to a newly created cost center to record the grant activity. Of the total grant amount, \$1,200,000 was already planned for and included in the FY 2018/19 adopted budget and will also be transferred to the newly created cost center to record all the grant activity collectively.

**Staff Contact(s):** Brad Lundahl, Government Relations Director, 480-312-2683, [blundahl@scottsdaleaz.gov](mailto:blundahl@scottsdaleaz.gov)

**26. State Homeland Security Grant Program**

**Request:** Adopt **Resolution No. 11291** to authorize:

1. Agreement No. 2018-182-COS with the Arizona Department of Homeland Security to accept a grant in the amount of \$26,209 for medical supplies for mass casualty incidents.
2. A budget transfer in the amount of \$26,209 from the FY 2018/19 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.

**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)

- 27. Emergency Backup Water Service Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 11292** authorizing Agreement No. 2008-146-COS-A2, the second amendment to the agreement with the City of Phoenix, to extend the term of the agreement for an additional ten years for emergency backup water service.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
- 28. Toll Brothers AZ Construction Company Development Agreement**  
**Request:** Adopt **Resolution No. 11294** authorizing Agreement No. 2017-071-COS-A1, the first amendment to the development agreement with Toll Brothers AZ Construction Company, for improvement of real property near 118<sup>th</sup> Street and Jomax Road to facilitate the construction of a sixteen-inch diameter waterline extension and associated improvements of the City's water main line.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
- 29. Audit Committee Recommendation for the Board of Adjustment Sunset Review**  
**Request:** Adopt **Resolution No. 11284** accepting the Audit Committee's recommendation and authorizing the continuation of the Board of Adjustment.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
- 30. Audit Committee Recommendation for the Building Advisory Board of Appeals Sunset Review**  
**Request:** Adopt **Resolution No. 11285** accepting the Audit Committee's recommendation and authorizing the continuation of the Building Advisory Board of Appeals.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
- 31. Megan Townend and Jon Townend v. City of Scottsdale, et al. Settlement Agreement**  
**Request:** Adopt **Resolution No. 11311** authorizing settlement in the amount of \$185,000 to settle a lawsuit titled *Megan Townend and Jon Townend v. City of Scottsdale, et al.*, filed in Maricopa County Superior Court, Case No. CV2017-011848.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
- 32. Arizona Supreme Court Interlocutory Appeal Proceedings**  
**Request:** Adopt **Resolution No. 11315** authorizing the City's full participation in the Arizona Supreme Court interlocutory appeal proceedings associated with the Gila River Stream Adjudication Court's failure to address a pre-1919 water rights forfeiture issue.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)
- 33. Aviation Issues Professional Services Agreement**  
**Request:** Adopt **Resolution No. 11316** authorizing Agreement No. 2018-195-COS with JDA Aviation Technology Solutions in an amount not to exceed \$115,000 for the purpose of consulting and expert opinions regarding aviation issues.  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

## **MOTION AND VOTE – CONSENT AGENDA**

Vice Mayor Phillips made a motion to approve Consent Agenda Items 1 through 33, absent Item 12, which was removed from the agenda at the request of staff. Councilmember Korte seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

## **REGULAR AGENDA**

### **34. Bicycle and Related Devices Ordinance**

**Request:** Adopt **Ordinance No. 4372** amending Sections 17-76, 17-78 through 17-87, 17-93, 17-99, and 17-100 and adding Sections 17-88, 17-89.1, 17-89.2, and 17-89.3 to the Scottsdale Revised Code relating to bicycles, skateboards, and motorized skateboards.

**Presenter(s):** Brent Stockwell, Assistant City Manager

**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)

Mayor Lane opened public testimony.

- Sam Dreiman, Lime Bike, spoke in support of the proposed ordinance.
- Taylor Strand, Razor USA, spoke in support of the proposed ordinance.

Mayor Lane closed public testimony.

Assistant City Manager Brent Stockwell gave a PowerPoint presentation (attached) on the proposed bicycle and related devices ordinance.

## **MOTION AND VOTE – ITEM 34**

Vice Mayor Phillips made a motion to adopt Ordinance No. 4372, to include prohibiting staging at public art locations. Mayor Lane seconded the motion, which carried 6/1, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Milhaven, and Smith voting in the affirmative, and Councilwoman Littlefield dissenting.

**PUBLIC COMMENT** – Teri Todd presented a citizen petition (attached) asking the Council to continue Scottsdale Carriage's use of the outside of the Livery Stable to keep the presence of horses in Historic Old Town and continue stagecoach and carriage services in Old Town Scottsdale.

## **CITIZEN PETITIONS**

### **35. Receipt of Citizen Petitions**

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

No action was taken on the citizen petition asking the Council to continue Scottsdale Carriage's use of the outside of the Livery Stable to keep the presence of horses in Historic Old Town and continue stagecoach and carriage services in Old Town Scottsdale.



## MAYOR AND COUNCIL ITEMS

Councilwoman Korte made a motion to direct staff to agendize for a future agenda, a discussion and possible action to: (1) Cease further studies regarding alternative locations for Desert Edge, (2) cease further studies regarding the business plan for Desert Edge, (3) release the slices of bed tax funds that have been reserved for Desert Edge, and (4) put the Desert Edge to bed. Councilman Smith seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Phillips; and Councilmembers Klapp, Korte, Littlefield, Milhaven, and Smith voting in the affirmative.

### 36. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for November 26, 2018)**

**How the Board and Commission Nomination Process Works:** The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Building Advisory Board of Appeals (*one vacancy*) – No applications received.

Environmental Quality Advisory Board (*one vacancy*) – Councilman Smith nominated Walter Cuculic, Councilmember Korte nominated Adam Wasserman, and Mayor Lane nominated Ryan Johnson.

Historic Preservation Commission (*two historian vacancies*) – Councilwoman Klapp nominated Melissa Fedock and Peter Hosmeyer.

Loss Trust Fund Board (*two vacancies*) – No applications received.

Neighborhood Advisory Commission (*one vacancy*) – Councilwoman Milhaven nominated Ross Cromarty, Councilwoman Littlefield nominated Cherie Roy, Mayor Lane nominated Jonathan Budwig, and Councilwoman Klapp nominated Dominic Bilotti.

## ADJOURNMENT

The Regular City Council Meeting adjourned at 6:39 P.M.

### SUBMITTED BY:



**Carolyn Jagger**  
City Clerk

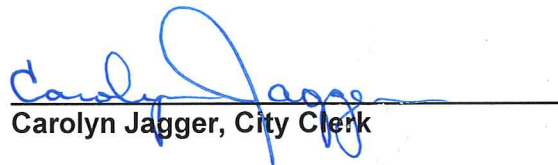
Officially approved by the City Council on December 11, 2018

### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 13<sup>th</sup> day of November 2018.

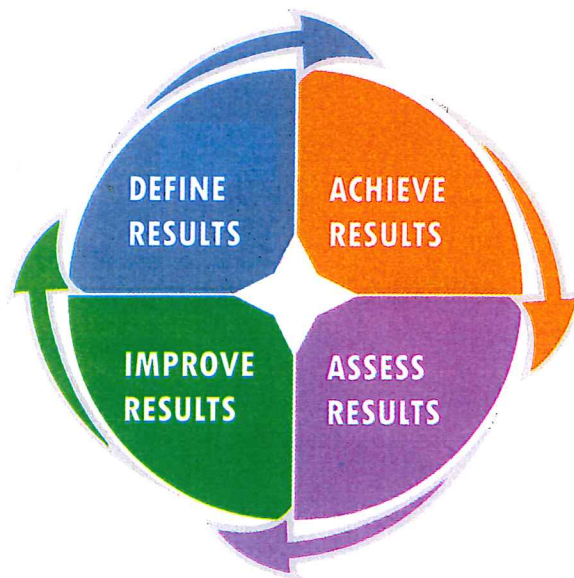
I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 11<sup>th</sup> day of December 2018.

  
\_\_\_\_\_  
Carolyn Jagger, City Clerk



Organizational performance management is an ongoing, systematic approach intended to improve results by integrating objective evidence with decision-making processes.



Proud to host 2 Pop-Up #DataAnalytics sessions today with @ChrisRieth from @gov\_ex Thanks @WhatWorksCities for making this happen. Participants here from @CityofPhoenixAZ @CITYOFMESA @ASUPubAffairs @GilbertYourTown @scottsdaleazgov @EGL50 #CitiesWinWithData - at Community Design Studio



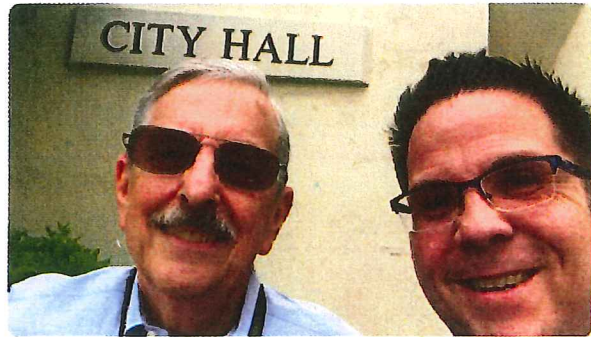
City of Scottsdale @scottsdaleazgov · May 3

Read this to learn how we are using insights from human behavior to maximize the power of city programs.

**What Works Cities @WhatWorksCities**

The holidays can feel lonely for Rafaela Garcia. But she's overcome with emotion remembering the care package she got last year through @scottsdaleazgov's Adopt-a-Senior program. @kristin\_taylor shares Rafaela's story, following a recent trip to the city. bit.ly/2FFKUZg

In @scottsdaleazgov we appreciate all 5,500+ volunteers including Hank, whose advice has guided us to national recognition for performance management. Thanks for your 9 years of service! #NationalVolunteerWeek @WhatWorksCities #CityHallSelfie



REPORT TO OUR CITIZENS  
Fiscal Year 2019

**Where we've been and where we're going**

Fifty years ago, Scottsdale celebrated the opening of City Hall. Completing a project of that scale required cooperation between a renowned architect, residents and city staff. Thousands celebrated its grand opening, an opportunity that will be recreated this fall with 'Scottsdale Celebrate 50!'

Like constructing a building, operating a city is a collaborative effort. Voters elect a mayor and six council members to govern. Nearly 2,700 employees and more than 5,000 volunteers serve our nearly 250,000 residents.

As residents, your tax dollars support city services. Read this annual report to learn how. Please contact the City Manager's Office if you have comments or suggestions on how we can improve this report: 480-312-2800 | citymanager@scottsdaleaz.gov



**Value Scottsdale's Unique Lifestyle and Character**



**Highlighted Accomplishments**

The city launched a rebranding effort to focus attention on Old Town Scottsdale and its unique character.

**Looking Forward**

Scottsdale Arts, with additional financial support from the city, will continue to grow Canal Convergence, a destination event that brings increasing amounts of people and attention to Scottsdale.



Learn more at ScottsdaleAZ.gov, search "about"



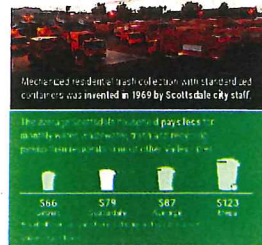
**Seek Sustainability**

**Highlighted Accomplishments**

- Residents diverted 28 percent of household waste to recycling, rather than shipping it to the landfill.
- The city recycled 8.3 million gallons of wastewater per day, treating it to a high standard and delivering it to turf irrigation at 24 golf courses, a service paid for by users of the recycled system.
- The city reclaimed 4.8 million gallons per day of ultra-pure, advanced-treated recycled water back into our local aquifer, replenishing our groundwater.

**Looking Forward**

Scottsdale's solid waste team will continue to work with residents to increase the residential recycling rate to 30 percent by 2020.



**Preserve Meaningful Open Space**



Photo: Mike DeWitt, Sonoran Conservancy, Mike Kline, Chris DeWitt

**Highlighted Accomplishments**

New trailheads at Granite Mountain and Fraesfield will improve access into the northern reaches of Scottsdale's McDowell Sonoran Preserve.

**Looking Forward**

Community Services will begin a new master plan for Vista del Camino Park and the adjacent Indian Bend Wash to improve park amenities, open spaces and functionality of this key storm water conveyance system.



## Advance Transportation

### Highlighted Accomplishments

- ▶ The city completed the Mustang Transit Center, which improved access to Mustang Library and HonorHealth Shea Medical Center, added connections to regional transit lines with additional capacity for future routes and provided better access for bicyclists and pedestrians using the Camelback Walk.
- ▶ Thanks to voter-approved bond financing, the city is well over halfway to resurfacing 20 streets, which will improve driving conditions and lower maintenance costs. By summer of 2019, over 194 lane miles will have been replaced—54 more than the original estimate.
- ▶ The city added bicycle lanes on Chaparral Road and bicycle signal detection at 16 intersections.

### Looking Forward

- ▶ Trolley routes to change this fall will reduce travel times and expand service, including free 20-minute service frequency to neighborhoods from Roosevelt and Rainier.



## Enhance Neighborhoods



### Highlighted Accomplishments

- ▶ An all-inclusive playground was installed at Chaparral Park, serving both able-bodied children and those with disabilities.
- ▶ The city developed Scottsdale EZ, a single, mobile-optimized system to report issues that need to be fixed.
- ▶ Thanks to bond financing approved by voters in 2015, Fire Station 605 on Shea Boulevard was renovated to modern standards, and Fire Station 613 in Desert Foothills was built, replacing a "temporary" modular building that was used for more than 20 years.

### Looking Forward

- ▶ The treatment systems at all four city aquatic centers will be modernized by the end of 2018. The advanced systems will improve water quality and swimming conditions while eliminating the need to store and handle large amounts of chemicals, making things safer for the public and staff.

## Support Economic Vitality

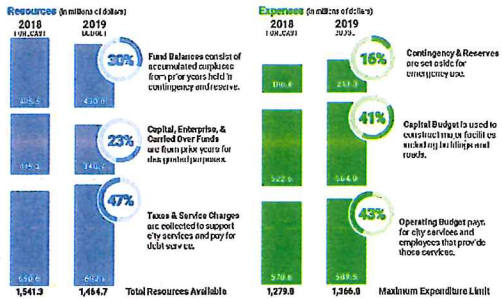
### Highlighted Accomplishments

- ▶ Scottsdale Economic Development attracted new companies and helped others expand, resulting in 1,183 new jobs with an average wage of more than \$57,000.
- ▶ The city completed building two 20,000 square foot hangars at Scottsdale Airport, part of the \$27 million Terminal Area Redevelopment Project, which will include a new Aviation Business Center.
- ▶ The Scottsdale Job Board was launched, helping companies advertise open positions and workers find jobs. So far, more than 30 companies have posted around 300 openings.



### Looking Forward

- ▶ Proposed Museum Square and Southridge expansions could, if approved, bring more than \$700 million in new mixed-use development to Old Town Scottsdale.



SCOTTSDALE, AZ



We are a What Works City!  
**Scottsdale, AZ**  
 @scottsdaleazgov  
 Join us! [whatworkscities.org](http://whatworkscities.org)

## What Works City Feature: Scottsdale, AZ

USING DATA TO DRIVE A REGION

**The Opportunity**  
 Scottsdale has taken a lead in a region of data-informed municipal leaders. The City sits in the northeast of Phoenix, in a ring of cities with a Arizona's Valley of the Sun. Mayor Lane, the City Council and the City's executive team have crafted an ambitious agenda for the City of Scottsdale that includes retooling a key commercial corridor, supporting tourism, promoting economic development, and anticipating future transportation needs.

Looking to bring in new tools to drive their work forward, Mayor Lane and the City Council asked What Works Cities (WWC) to help make municipal data more consumable and available for agencies and residents. They also asked WWC to help the City increase the effectiveness of day-to-day operations through low-cost evolutions based on behavioral science.

**Our work together**  
 Scottsdale partnered with WWC experts at the Behavioral Insights Team, the Center for Government Excellence (CGE) at Johns Hopkins University, Results for America, and the Sunlight Foundation. Together, they developed the policies and processes to measure, prioritize, release, and maintain public data through the City's open data program. They also piloted four low-cost evolutions, a solution the City hopes will become a standard practice of governance. The pilot evolutions emerged to increase donation rates for the Scottsdale Civic Utility Bill donation program, increase employee retirement savings, diversify the police force, and increase the number of residents who receive paperless utility bills.

What Works Cities and Scottsdale worked together to make data more accessible for city agencies and residents, and to help increase the effectiveness of day-to-day operations through low-cost evolutions based on behavioral insights.

In Scottsdale, Testing Government Messages Yields Notes of Gratitude

By Kristin Dwyer

The holiday season can be a busy time of year for Bufalo Garcia. A former flight attendant, she lives on a fixed income in a retirement home in Scottsdale, Arizona, and her only son lives across the country. But she is overcome with emotion as she thinks back on her most recent Christmas and the care package she received through the City's Adopts a Senior program. "You send in a letter, fill out what you would like. Magnifying glasses with light. Anything we need or want," she explains. "It made me believe people care about seniors."

## City of Scottsdale OPEN DATA Portal

The City of Scottsdale is committed to using data to provide better services for our community. We hope you will explore this data to offer new insights and innovations for our community.

Search all data

Homepage [Scottsdale](#) [Land Use](#) [Facilities](#) [Planning](#) [Enhance Neighborhoods](#)

### SELECT A TOPIC



## Reporting/Benchmarking



# Process Improvement

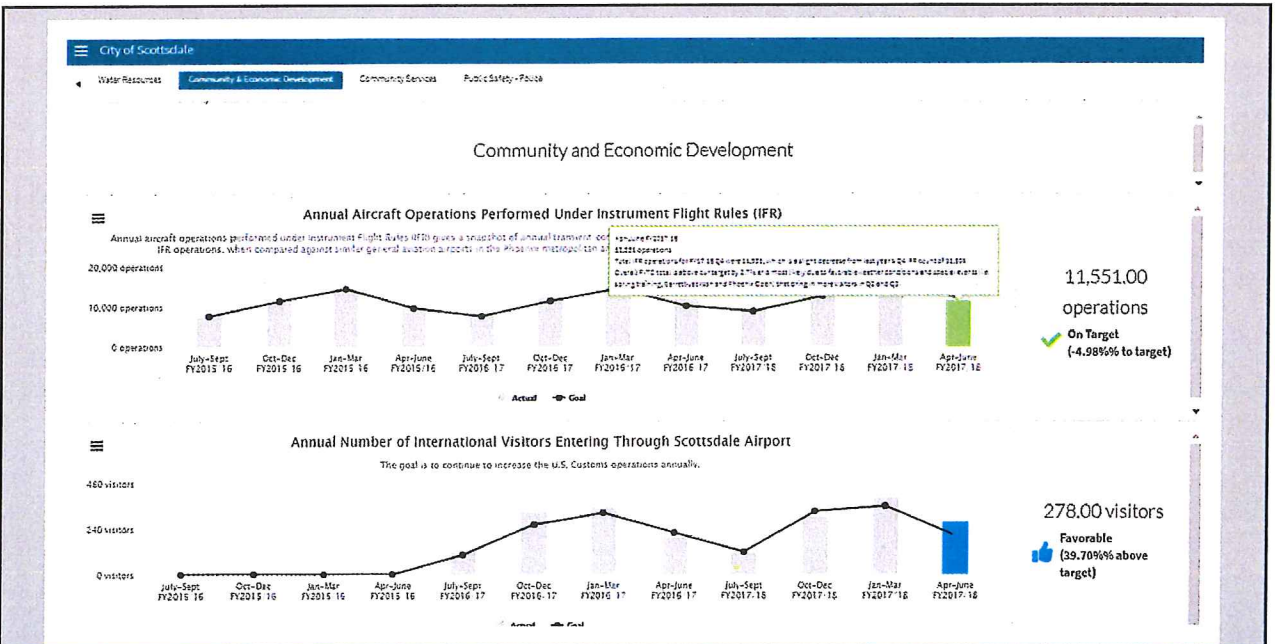


# Behavioral Insights





# Data Analytics



# Looking to the Future



**ICMA**

INTERNATIONAL CITY/COUNTY  
MANAGEMENT ASSOCIATION

This  
Certificate of Excellence  
is presented to

*Scottsdale, AZ*

for exceeding the standards established by the International City/County  
Management Association in the identification and public reporting of key  
performance indicators, surveys of both residents and employees, and the  
pursuance of performance management to the organization's culture.

Presented at the 104th ICMA Annual Conference  
in Baltimore, Maryland

26 September 2018

*[Signature]*  
ICMA Executive Director

*[Signature]*  
ICMA President

Item 34

**Ordinance No. 4372**  
**Bicycle and Related Devices**

City Council Meeting  
November 13, 2018

1

**Bicycles, electric/motorized bicycles and stand-up  
electric mini-scooters are covered by the ordinance**

**Key Question: where don't we want these devices?**

2

**Key criteria:**

- 1. Keep sidewalks open for pedestrians**
- 2. Require owner to keep devices properly parked**
- 3. Devices should be operable and used**
- 4. Maintain aesthetics by proper spacing**
- 5. Respect private property**

3

**Keep sidewalks open for pedestrians**

Parking is prohibited on a public sidewalk obstructing the pedestrian through zone (the portion of the sidewalk used primarily by pedestrians for travel, accessing transit or buildings).

4

## **Require owner to keep devices properly parked**

Devices should be parked in a rack or designated parking area, and 15 areas are outlined where parking is prohibited. Requires an owner such as a bike share company to remove an improperly parked device upon notification from any person within two hours.

5

## **Devices should be operable and used**

Inoperable devices must be removed within two hours after notification. It is illegal for devices to remain in the same location on public property for more than 72 hours. This requires them to be used at least once every three days. Improperly parked, inoperable or abandoned devices may be impounded.

6

## **Maintain aesthetics by proper spacing**

There is a maximum of five parked devices by the same owner within 200 feet (unless authorized by city permit, such as a special event permit). This helps address aesthetics issues seen particularly in Old Town. The police chief or designee may designate or limit device parking areas if particular areas become problematic.

7

## **Respect private property**

Devices can only be on private property with owner permission (except commercial and multi-family residential property if located in racks or designated parking areas).

8

## **Additional public safety requirements**

Stand-up electric mini-scooters and most electric bikes would be allowed on sidewalks and shared-use paths. However, Class 3 electric bicycles will continue to be prohibited on paths and sidewalks. Stand-up electric mini-scooters will be limited to roadways with speed limits of 35 mph or less. Travel at speeds greater than reasonable and prudent is prohibited, as is operation with reckless disregard for safety, and device use under the influence of alcohol or drugs.

9

## **What if Ordinance No. 4372 isn't enough?**

Licensing or permitting process for shared devices or prohibition from public property and rights of way are possibilities.

10

## **Adopt Ordinance No. 4372**

Amending City Code sections relating to bicycles and related devices



## Petition to City Council

**Continue our use of the outside of the Livery Stable so we may keep the presence of horses in Historic Old Town and continue Stagecoach and Carriage Services in Old Town Scottsdale**

To re-cap:

Upon receiving an unexpected notice by the Tourism Department on September 7<sup>th</sup>, to vacate our entire business out of the Livery Stable by the end of this year, we came to City Council on September 11<sup>th</sup> and Petitioned City to continue our existing contract with the 2 years it had left, subsidizing Stagecoach Rides, which allowed for us to continue our full time Stagecoach and Carriage Services in Old Town Scottsdale.

Since our last Petition, that was requesting continued subsidy from the City for Stagecoach Rides and City Events... **when the community learned that the City no longer wanted to subsidize the last Stagecoach in Old Town, and it will be gone for good, we have had an overwhelming response from the Scottsdale Community to keep the Stagecoach.** The Horse Community and private money has stepped up to sponsor the last Stagecoach in Old Town and has committed to sponsor us through the 2018/2019 Season pending the outcome of our Petition to keep us in Old Town.

On September 11<sup>th</sup>, we were deferred to Jim Thompson and the City Manager's office. We never had a meeting with Jim Thompson but did meet with the assistant staff, who prepared the City Managers report, denying our Petition.

The City Managers Report prepared by the assistant staff who made the denial decision, is just now learned to be the boss of Karen Churchard in the Tourism Department, who is ordering us to vacate.

There are several statements in the City Manager Report that need to be addressed.

Enclosed, you have the corrections to the City Managers Report, with 10 specific numbered items that are false inaccurate statements, misleading and unjust statements, that go against our 30 plus years of safety protocol with an impeccable record insured for 30 years without incident.

Please see #5 and #6 in corrections to City Manager Report. Never once in any email or meetings was it suggested we were to completely vacate the Livery. It was suggested the City MAY not want to do subsidized rides, but wanted us to continue paid rides from the Livery. It states in Karen Churchards emails that it didn't make sense to have subsidized rides next to paid rides and wanted us to continue paid rides, never once suggesting we had to vacate our entire business and at the same time expect us to stay in business.

The extensive training of our horses before any of them are put to work in the public venue of Old Town is a safety protocol that is unsurpassed, and our safety manuals are used for Carriage Company employee and horse training nationwide.

See # 8 Please see on corrected report for more details about our extensive training program, with every horse passing tests over 100 miles before they ever see Old Town.

Next: The City of Scottsdale proposed Horse and Carriage Ordinance is enclosed, that we authored in 2007 in efforts to keep Old Town safe.

Please see #9 on corrected report:

We felt it necessary to provide the City with an Ordinance in 2007 when an unknown carriage operator who was uninsured with an untrained horse came to Old Town and ran into a City sign. That operator and his horse never came back.

This was never adopted, because we were the only Carriage Operator since then, who met all the requirements in the City Ordinance.

If we are forced out of business and forced out of Old Town, the City will still need this Ordinance to protect the City of Scottsdale.

The Tourism Department to "allow anyone to operate" invites uninsured people with no experience, no liability insurance and untrained horses, that will ultimately hold the City liable.

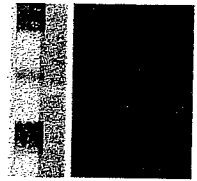
We have been the only Carriage company in Old Town for the past 12 years, and the only one left. No one in the City has been able to produce another Carriage Company that exists who is insured to meet industry standards, with horses that are trained in the public venue of Old Town to be safe, with training programs in place as protocol for safety.

**Our greatest concern is to leave our historic legacy in Old Town, who helped make Scottsdale the West Most Western Town, with no horses at all. Or worse, out of town uninsured operators with untrained horses in the public venue of Old Town, that will compromise the safety and liability in Scottsdale that we worked our entire careers to keep safe.**

**Time is running out. As is, we are forced to vacate our entire business out of Old Town by December 31st midnight..** We petition the City Council to put us on the next available City Council agenda, **before it is too late.** Our family has worked very hard to keep our horses in the West Most Western Town, and do not want to leave it without a Stagecoach and Carriage business, that is fully insured with horses that are trained to be in the public venue of Old Town Scottsdale.

We ask the City to please help us accomplish this, before it's too late.

Scottsdale Carriage  
www.ScottsdaleHorseandCarriage.com  
(480) 656-5353



November 5, 2018

Response to City Manager  
Investigation and Conclusion to Petition on September 11, 2018  
Corrections and false to Statements made to the City Counsel in City Magner Report

Response to City Manager Report to City Council;

This is in response to statements made by the City Managers Staff that need to be corrected. On September 11<sup>th</sup> our Petition to City Council was deferred to the City Manager. We never met with the City Manager Jim Thompson and statements made by Staff are not factual and incorrect. It is of great concern as we stand by over 30 years of our safety record without incident and the extensive training we put our horses through before they ever work in Old Town Scottsdale.

As it stands now on our Petition, we must vacate the Livery Stable by Dec. 31<sup>st</sup> 2018 leaving no horses in Old Town. In review of 100's of City emails, not once was it ever mentioned or suggested we would have to vacate the Livery Stable, it was only discussed that the City no longer wanted to subsidize the City paid rides anymore and we would continue operating on paid rides only from the Livery stable.

We now Petition the City to provide a safe place for our Stagecoach and Carriages so that Old Town can continue to offer these services that are a part of Scottsdale history.

Sincerely,

Scottsdale Carriage

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.





**City Manager's Office**

3939 N. Drinkwater Blvd.  
Scottsdale, AZ 85251

**Date:** November 1, 2018  
**To:** Honorable Mayor and City Council  
**Through:** Jim Thompson, City Manager  
**From:** Megan Lynn, Management Assistant to the City Manager  
**Subject:** Petition to Overturn Staff Decision on 2016 Horse and Carriage Agreement

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**Petition:**

#1  
On Sept. 11, 2018, Ms. Teri Todd presented the City Council with a petition requesting the Mayor and City Council overturn the decision made by Karen Churchard, Director of Tourism & Events, regarding the 2016 Horse and Carriage City Services and Revocable License Agreement.

#2  
The Council directed the City Manager to investigate the matter raised in the petition and to prepare a written report to the Council, with a copy to be provided to the petitioner. This memorandum is being submitted in response to that direction.

**Background:**

On January 1, 2016 the city entered into a 2016 Horse and Carriage City Services and Revocable License Agreement with Teri Todd, d/b/a Scottsdale Carriage for horse-drawn carriage services in Old Town Scottsdale. As a part of this Agreement, the city also made available the Livery Stable as a part of Scottsdale Carriage's compensation for providing these services. The term of the agreement was for a one-year period. The agreement also allows for a maximum of four additional one-year extensions upon the recommendation of the Downtown Specialist, who is the Contract Administrator, and concurrence of the Tourism and Events Director. The city has budgeted \$14,000 annually for the rides, and the real estate value of the storage space at the Noriega Livery Stable is about \$13,000/year.

#3  
#4  
All Tourism & Events Department extendable agreements are reviewed annually by the Downtown Specialist and the Tourism & Event Director. Last year, in December 2017, staff discussed not extending the Scottsdale Carriage contract. One concern was over the use of the Brown Avenue pullout to conduct the carriage business. On Dec. 20, 2017, Ms. Todd met with Assistant City Manager Brent Stockwell, and requested an extension because Scottsdale Carriage had recently renewed their annual city-required insurance in November at a cost of \$7,500. Following that meeting staff extended the agreement for six months through June 30, 2018. In addition, Ms. Todd requested that the extension decrease the number of days for free rides from three to two and increase the rate for Saturday afternoon rides from \$350 to \$500 per carriage ride. These requests were accommodated. In the summer, Ms. Todd asked for another extension through Sept. 30, 2018 allowing the continued storage of carriages at the Livery Stable.

#5  
On Aug. 8, 2018, the Tourism & Events Director and new Downtown Specialist met with Ms. Todd. It was made clear to Ms. Todd by Ms. Churchard that the city was considering not renewing the contract. At that time, Ms. Todd offered to sell the customized Old Town Scottsdale carriage to the city if it was decided not to continue free rides. Ms. Todd also stated that if the city were to extend, that Scottsdale Carriage no longer wanted to provide free rides during ArtWalk in the evening. Ms. Churchard stated several times that the city wanted and



encouraged Ms. Todd to continue paid carriage rides and that staff had met with the Police Department who ensured they would facilitate signing the Brown Avenue pull-out if there were established days and times paid carriage rides would be available. During the meeting, Ms. Todd did state she was unsure whether the company could sustain these services without a continued subsidy from the city.

Downtown Specialist Jackie Contaldo contacted Ms. Todd by phone on Aug. 10, 2018 and stated that the city would not be extending the agreement. Afterward Ms. Todd corresponded with staff about this decision and asked why the agreement was not being extended. Ms. Churchard replied in a Aug. 20, 2018 email stating:

"Thanks for your patience as we were following up on your prior email from last Monday afternoon as promised.

Last December, you met with Brent and your statement to him was that after the 2018 tourist season, since you had already invested in the insurance for the stagecoach, you were fine with ending the free rides if the city wanted to do that.

You asked for the agreement to be extended to recoup your insurance costs. You also wanted to make sure you had access to the Brown Avenue pull out. And, you asked for a change in Scope of Work to not provide Friday rides and for an increase in payment for Saturday afternoons from \$300 to \$500, all of which the city accommodated.

I am following through with discussions you had with Brent and Mary last year, and giving you notice that the city will not be extending the agreement past December 2018. It doesn't make sense for the city to subsidize some rides on Second Street, while paid rides are going on elsewhere in historic Old Town.

That being said, to be clear, the paid rides can still continue if you (or anyone else) wants to provide them. The city is also willing to sign the Brown Avenue pullout appropriately to provide waiting and respite time, if you provide in writing via email your hours of operation.

At our last meeting, you suggested that maybe the city would like to purchase the stagecoach you had customized "Old Town Scottsdale." We are interested in talking further about a possible purchase by the city. Please contact Jackie or me if you are still interested in discussing the purchase of the Old Town Scottsdale stagecoach."

Staff believe that paid rides could continue without the subsidy as Ms. Todd had stated that paid "walk-up rides represent 75 to 80 percent of Scottsdale Carriage earnings" and if this subsidy was removed that perhaps other carriage providers would be willing to provide paid rides in Old Town Scottsdale. Staff was also concerned about safety and risk to the city due to a horse carriage accident on January 14, 2018 involving Ms. Todd while training a new horse.

On Sept. 21, 2018, Assistant City Manager Brent Stockwell, Management Assistant Megan Lynn and Citizen Liaison Christy Hill met with Ms. Todd to talk through her concerns.

If Ms. Todd's contract is not extended, she would consider continuing to offer paid rides on the current route during the following time periods:

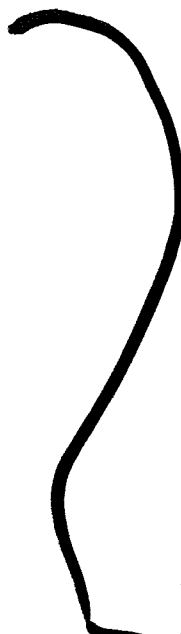
- December–January: Operate Wednesday to Sunday, from 11 a.m. to dusk.
- February–March: Operate seven days per week, from 11 a.m. to dusk.

At the Sept. 21, 2018 meeting, Ms. Todd discussed the following conditions for her to continue to operate paid carriage rides in Old Town Scottsdale.

1. **Request:** Limit other vehicle use such as golf carts along the route to increase safety for both horses and carriage riders.



#6



#7  
#8

**Response:** Staff reviewed this possibility with the City Attorney's Office but were advised that per Arizona Revised Statute 28-143, these vehicles are not subject to further regulation by cities.

#9

2. **Request:** Have the City Council adopt an ordinance regulating carriage operators in Scottsdale.

**Response:** A draft ordinance was prepared in 2010 but was not presented for adoption by the City Council because there was not sufficient public interest to move forward. Staff reviewed this draft ordinance with the City Attorney's Office and determined that it is not necessary to begin regulating horse and carriage operations in Scottsdale.

3. **Request:** Explore the option of allowing Scottsdale Carriage continued use of the Livery Stable on a year-to-year basis while offering non-subsidized, paid-only rides.

**Response:** Staff reviewed this possibility and allowing Scottsdale Carriage exclusive use of this stable area for commercial purposes would be unfair to other potential operators. The real estate value of the storage space at the Noriega Livery Stable is about \$13,000/year or about \$1,080/month.

#10

4. **Request:** Purchase the Scottsdale Stagecoach constructed by Ms. Todd for the paid rides. Ms. Todd stated that she constructed the Stagecoach for \$22,000 and felt the current value was \$30-40,000.

**Response:** Tourism and Events staff considered purchasing this Stagecoach, but the current offer is too expensive given that it would primarily be used as a prop for visitor photographs.

**Conclusion:**

Based on the above considerations, city staff does not recommend overturning the decision of the Tourism & Events Director to not extend the 2016 Horse and Carriage City Services and Revocable License Agreement. Further, city staff does not recommend that the city allow Ms. Todd continued exclusive use of the stable area to run her private business because it would disadvantage other potential carriage operators. Staff also does not recommend purchasing the stagecoach at the offered price of \$30-40,000. Ms. Todd is welcome to offer paid rides. This could potentially reduce her insurance costs, by removing the City required coverages.

## City Manager Report Corrections

- 1) Petition to overturn Staff Decision on September 7th 2018 Carriage Agreement **(not 2016)**
- 2) The RFP Carriage Agreement was in 2015. **(not 2016)** We entered into another 5 year agreement in 2015, as with the previous 5 year Carriage Agreement in 2010. They have all been 5 year agreements.
- 3) December 2017 meeting, we dealt with golf cart issues and were seeking a Sole Source Contract, compared to the Singing Cowboy Contract that pays \$900 per 3 hour shift once a week. At the time, we were only being paid \$300 for many days and hours of services per week. We were denied a sole source contract and given a raise to \$500 per shift to cover rising costs to do business, such as carriage parts including wheel rubber, steel, leather and hickory wooden spokes, and insurance rates that went up. **It was discussed in that meeting to do paid rides only out of the Livery Stable.**
- 4) When we met with Karen Churchard of the Tourism Department in August this year, we were expecting an upcoming season of Events with dates and an annual extension on our contract as we have always had every year. We did not request a 6 month extension, that was what we were given. **With no notice in any email or phone call of any cancelation of our entire contract.** And the extension issued after the 6 month extension was only issued because Mary Murphy-Bessler who was our contract administrator in the Tourism Department gave her resignation and there was no replacement yet. **Never once in any meeting or email or phone call, were we led to believe or notified that we would have to be vacating the Livery Stable and ending our contract 2 years prior to it expiring.**
- 5) In our August 8<sup>th</sup> meeting, it was then first suggested that the City was considering not subsidizing the Stagecoach anymore. **Karen Churchard was told this was our first year canceling night shifts due to safety issues, and that loss of income, minus subsidy from the City could completely put us out of business and leaving Old Town Scottsdale, The West Most Western Town, with no more Stagecoach and Carriage Rides.** It was then that I stated that if we go out of business, we would give the City first right of



refusal to purchase the Stagecoach we had custom made for the City of Scottsdale. It is rare, custom made, and the last Stagecoach from here to Tombstone. In that meeting, Karen Churchard encouraged us to continue our paid rides at Brown and Main St, and led us to believe we would do that out of the Livery Stable. **Never once was it mentioned or discussed having to completely vacate Old Town, until the Vacate Letter from Karen Churchard September 7<sup>th</sup>, which brought us to Petition the City for help.**

- 6) Karen Churchards emails themselves state the City was indeed going to cancel subsidizing for the Stagecoach. And encouraged us to continue paid rides. **Nowhere does it state, in any of her emails, that we would have to vacate all of our equipment out of Old Town.**
- 7) “paid walk-up rides represent 75 to 80 percent of Scottsdale Carriage earnings” **This is a FALSE statement and completely inaccurate.** Now that this year we are eliminating all night shifts after sunset that previously ran until 10 and 11pm, our walk-up rides now is less than 40 percent.
- 8) “Concerned about safety and risk to the City due to a Carriage accident”??? This sentence is complete injustice and down plays our impeccable safety record for over 30 years.

**The time was taken to explain to City Staff for their Report, about our extensive horse training, safety manuals the City has on file we authored and our safety protocol that proves over 30 years insured without incident: Our Horse training determines if a horse is safe with the right disposition and temperament to be in the public venue of Old Town Scottsdale.**

We live off Cactus in the corridor of Cactus Acres. Each horse we consider for Old Town Scottsdale, first must make 20 to 25 miles on a training carriage through our neighborhood on side streets before the horse is even introduced to Cactus Rd. If they make it through side streets, we have a minimum standard of 50 miles on Cactus Rd and Shea Bl, without incident, before they even make it to the outskirts of Old Town on side streets. There, they are chaperoned by 7 to 8 of our wranglers, introducing them to the Downtown Trolley, it's air brakes and horn, Fire and Police sirens that go by at random, traveling bicycle bars with loud music and people screaming, all the Segway companies, the golf carts that backfire, the pedicabs, bicycles, motorcycles and now lime bikes left in the road, scooters and skateboards.... We have had several horses that never passed our extensive training to be put in Old Town and went to better homes more suitable. The horse in the City Manager Staff report, was only one of many horses that never made it to work in the public venue of Old Town Scottsdale.

**To take the time to explain our safety protocol we go through to City Management Staff, and have everything we do, be twisted and turned into one sentence judgement that we are a safety risk, is an inaccurate and misleading injustice.**

- 9) Proposed City Ordinance for Scottsdale: This was written by Scottsdale Carriage when another carriage operator came to Old Town with no insurance and an untrained horse who ran into a City sign. After that they left and never came back. This ordinance was written from the examples of other Cities who have Carriage businesses, specifically, San Diego, Sacramento, Colorado, Texas, Oklahoma, Chicago and New York City.

Because we were and are the only Carriage Company in Scottsdale who met all the ordinance requirements and there was no other carriage operator, it never made it to City Council. **We have been the ONLY Stagecoach and Carriage Business in Scottsdale for the past 12 years.**

When Karen Churchard suggests that “other carriage operators may come”, who bring a horse in from anywhere that is untrained in Old Town and uninsured, puts the City of Scottsdale at great risk, both putting the public at risk of physical harm or worse and the legal ramifications that would bring.

**Even if we are the only Carriage Operator in Old Town Scottsdale, which we are, this ordinance should be adopted to protect the City of Scottsdale.**

- 10) Purchase of our Stagecoach: We paid \$22k in materials to have it custom built. This did not include the cost of labor or shipping. That value as I explained to City Staff is \$30k to \$40k. We said we would give first right of refusal to purchase to the City for \$30k sales price. Not \$40k. Another inaccurate statement. For comparison, the authentic Wells Fargo Coaches are \$120k.

Conclusion: We now need the City to accommodate what it is scheduled to be taken away, if not the Livery Stable, then another place in Old Town to store our Stagecoach and Carriages, if the City wants to keep the last full service carriage business located in Scottsdale, to stay in Old Town Scottsdale.

**We are no longer asking the City of Scottsdale to subsidize the Scottsdale Stagecoach and not asking the City for any City Tourism money. We have had the Horse Community of Scottsdale step up and sponsor the Scottsdale Stagecoach through December 31<sup>st</sup> 2018, and they have also committed to sponsor the Scottsdale Stagecoach through the season. It's now up the City Council and up to the City of Scottsdale to help us keep the last Stagecoach in Old Town, the “West Most Western Town”.**

ORDINANCE NO. 3915

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING ARTICLE IX FOR THE REGULATION OF ANIMAL DRAWN CARRIAGES TO CHAPTER 17 OF THE SCOTTSDALE REVISED CODE

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article IX to Chapter 17 of the Scottsdale Revised Code is hereby added:

Article IX. Animal Drawn Carriages.

Sec. 17-350. Purpose.

The purpose of this article is to promote the public safety and welfare of the community.

Sec. 17-351. Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this article except where the context clearly indicates a different meaning.

- (a) *Carriage operator* means any person that owns or operates a carriage company.
- (b) *Carriage* means any trolley, stage coach, hack, hansom, or other means of transportation that is drawn by a service animal.
- (c) *Driver* means any person who drives a carriage on the streets of the city.
- (d) *Service animal* means any horse, mule or other beast of burden used to draw a carriage.

Sec. 17-352. Insurance.

(a) Every carriage operator shall maintain at all times an owner's or carriage operator's policy of liability insurance in the amount of at least one million dollars.

(b) The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.

(c) The policy shall designate by manufacturer's serial or other identification number all carriages for which coverage is granted.

(d) The policy shall insure the person named in the policy and any other person including drivers using the carriage with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the carriage in Arizona.

Sec. 17-353. Operation limitations.

Other than crossing at intersections or as part of a funeral procession, the operation of carriages is restricted to streets that have a speed limit of thirty (30) miles per hour or less.

Sec. 17-354. Operation requirements.

(a) *Carriage Equipment:* Every carriage shall be maintained in a clean, sanitary and safe mechanical condition, and at all times suitable for public transportation of passengers. In addition, each carriage shall:

- (1) Be equipped with an operational pair of red taillights, a minimum of two by four inches (2" x 4"), to be kept on during the period between sunset and sunrise;
- (2) Be equipped with lights that will emit to the front and side, light visible from a distance of five hundred (500) feet, to be kept on during the period between sunset and sunrise;
- (3) Have attached to the rear of the carriage a Slow Moving Vehicle reflective triangle approved by the Arizona Department of Transportation;
- (4) Be equipped with manure-catching devices for each service animal;
- (5) Be equipped with a carriage foot break in working order, either friction or hydraulic;

- (6) Have rate cards affixed to the carriage in a prominent location to advise prospective passengers of the rates and the name and business address of the carriage operator except if the sole use of the carriage is for funerals or weddings;
- (7) Have the carriage operator's name, address and phone number posted on the carriage so it is clearly visible; and
- (8) Have a current certificate of insurance in the carriage at all times.

(b) *Operating Regulations:* Every carriage shall be driven with caution and due care for the safety of others in conformance with all applicable traffic laws, and always with the service animal(s) under complete control. In addition:

- (1) No carriage operator or driver shall permit a service animal to pull a carriage at a speed faster than a trot, except in an emergency situation.
- (2) Carriage operators and drivers are prohibited from leaving the carriage and service animal(s) unattended.
- (3) Carriage operators and drivers must treat urine with a chemical deodorizing solution and remove manure from the street as soon as reasonably practicable.
- (4) Carriage operators or drivers shall not willfully impede the normal flow of motor vehicle traffic on any city street. Carriages are required to pull immediately to the nearest curb when one or more vehicles are unable to safely pass or continue in the normal flow of traffic.
- (5) Carriages, when in motion, shall be operated only in the right-most traffic lane on any street, except when making a left-hand turn.
- (6) Carriage operators or drivers shall not willfully impede the normal flow of pedestrian traffic on any sidewalk or crosswalk.
- (7) No carriage operators or drivers shall touch, remove or interfere with any sign, placard, advertisement, service animal, carriage or equipment belonging to another carriage operator.

(c) *Treatment of Passengers:*

- (1) No carriage operator or driver shall solicit patronage in any loud, rude or offensive manner, or impede the movement or follow any person for the purpose of soliciting business.
- (2) No carriage operator or driver shall charge a greater sum than the advertised rates affixed to the carriage.
- (3) No carriage operator or driver shall allow any passenger to ride on any part of the carriage while in motion except seated inside the carriage.

(d) *Service Animal Requirements:*

- (1) No carriage operator or driver shall place any service animal into service that is not fit for such service.
- (2) No service animal shall be subject to any condition or treatment which may impair the good health and physical condition of that animal.
- (3) Each service animal shall have its hooves maintained in an appropriate condition suitable for street surfaces.

**Sec. 17-355. Violations and Penalties.**

(a) Notwithstanding any other penalties which may be imposed for failure to comply with any city, state or federal law, ordinance or regulation, it is unlawful:

- (1) For a carriage operator or driver to fail to display proof of insurance, to a law enforcement officer on demand.
- (2) For a carriage operator or driver to operate or drive a carriage on the city streets

- in violation of any provision of this article that imposes a duty or is prohibited.
- (b) A violation of any provision of this article is a petty offense. A second offense within one year (1) is a class three (3) misdemeanor.
  - (c) A Scottsdale police officer, City Manager or designee may:
    - (1) Immediately prohibit or remove from operation on city streets, any carriage that is in violation of this article.
    - (2) Prohibit or limit the operation of carriages on city streets when such operation would be inconsistent with other special events or public safety requirements.

**Sec. 17-356. Exemptions; compliance with traffic laws.**

- (a) The provisions of this article do not apply to carriages or their drivers that are used strictly for recreation, showing, racing or pursuant to a city issued special events permit.
- (b) Every person driving a carriage, even if exempted by this section, shall drive with caution and due care for the safety of others in conformance with all applicable traffic laws, and always with the service animals(s) under complete control.

**Secs. 17-357 – 370 Reserved.**

**PASSED AND ADOPTED** by the City Council of the City of Scottsdale this 19<sup>th</sup> day of October, 2010.

**ATTEST:**

**CITY OF SCOTTSDALE, an  
Arizona municipal corporation**

\_\_\_\_\_  
**Carolyn Jagger  
City Clerk**

\_\_\_\_\_  
**W.J. "Jim" Lane  
Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Bruce Washburn  
City Attorney  
By Luis E. Santaella  
Assistant City Attorney**



# SAFETY AWARD

**The NORTH AMERICAN HORSEMEN'S ASSOCIATION**

**Hereby Awards This Commendation To:**

**Teri Todd**

**Scottsdale Horse and Carriage**

**Scottsdale, AZ 85260**

**For An Outstanding Safety Record and Safety Management  
in their Horse Operation During the Period Beginning**

01/01/2012 To 12/31/2012

**The North American Horsemen's Association Board of Administrators and  
Membership Appreciate This Member's Individual Contribution to the  
Betterment of the National Standards for Safety Within the Horse Industry**

**THE NORTH AMERICAN HORSEMEN'S ASSOCIATION  
"FOR A STRONGER, SAFER, MORE INSURABLE HORSE INDUSTRY"**

310 Washburne Ave., Paynesville, MN

*Linda Liestman*

**PRESIDENT**

04/25/2013

**DATE**

*Cindy Zimmerman*

**SECRETARY**

04/25/2013

**DATE**

**Certified Equine  
Veterinary Technician**



*Certificate of Completion*


*For*

**Teri M. Todd**

**National Association of Veterinary Technician**

**AVMA CVT**

This 21<sup>st</sup> Day of April 1995

  
\_\_\_\_\_

Signature



# Certified Equine Veterinary Technician



## *Certificate of Completion*

*For*

**Teri M. Todd**

**National Association of Veterinary Technician**

**AVMA CVT**

This 22<sup>nd</sup> Day of July 2010

*Certificate of Achievement*

*For*

*Brooklyn Nicole Todd*

*Orme Ranch*

*Equine Horsemanship*

**2013**



Certified Equine Veterinary Technician



NAVTA

National Association of Veterinary Technicians in America

*Certificate of Competition*

for

*Brooklyn Nicole Todd*

Loomis Equine Center 2015