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#### **CALL TO ORDER**

[Time: 00:00:03]

Mayor Lane: Good afternoon, everyone. Nice to have you here with us. I would like to call to order the November 13<sup>th</sup>, 2018 City Council meeting.

#### **ROLL CALL**

[Time: 00:00:12]

Mayor Lane: It's the Regular Meeting and I would ask that we start with a roll call, please.

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Guy Phillips.

Vice Mayor Phillips: Here.

Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilmember Klapp: Here.

Carolyn Jagger: Virginia Korte.

Councilwoman Korte: Here.

Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

Carolyn Jagger: David Smith.

Councilman Smith: Present.

Carolyn Jagger: City Manager Jim Thompson.

Jim Thompson: Here.

Carolyn Jagger: City Attorney Bruce Washburn.

Bruce Washburn: Here.

Carolyn Jagger: City Treasurer Jeff Nichols.

Jeff Nichols: Here.

Carolyn Jagger: City Auditor Sharron Walker.

Sharron Walker: Here.

Carolyn Jagger: And the Clerk is present.

[Time: 00:00:37]

Mayor Lane: Thank you. A couple of items of business. We have cards if you would like to speak on any of the items. They are the white card that are being held up over the city clerk's head over here to my right. They are available for, as I say for agenda items and for Public Comment and there are yellow cards if you would like to give us some written comments on any of the agenda items that we will read through the course of the proceedings, the yellow card she now has over her heads. We

have Scottsdale police officers directly here in front of me at 12:00 up on the mezzanine level. I would like to let you know that the areas behind the Council dais are for staff and Councilmembers only and there are restrooms on the south side to my left, for your convenience there.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:34]

Mayor Lane: This afternoon, we have the pack 40, Cub Scouts. And their leader Andrew Armstrong here to lead us in the pledge. Gentlemen, if you come to the microphone and if everyone else, if you can, please stand.

Cub Scout Pack 40: 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, gentlemen. If you could, please turn the microphone around and introduce yourself and give your school and your favorite subject.

Cub Scout Pack 40: My name is Jack Quinn, I'm in fifth grade. I go to Cochise Elementary School and my favorite subject is math. My name is Blake Ianoni, I'm in fifth grade. I go to the school of Cochise Elementary and my favorite subject is art. > Hi, my name is Ethan Workheizer I'm in fifth grade and I go to Cochise Elementary School. My favorite subject is social studies. Hello. My name is Phoenix Chun, I go to Basis Scottsdale, I'm in fifth grade and my favorite subject is science. Hi, I'm Nick Armstrong. I'm in fifth grade. I go to Scottsdale Christian Academy and my favorite subject is math.

Mayor Lane: Thank you, gentlemen.

**INVOCATION**

[Time: 00:03:12]

Mayor Lane: This afternoon, we have an invocation to be presented by Reverend Cathy Patterson of the Fountain of Life church. Pastor.

Pastor Cathy Patterson: Let us bow our heads. Dear Father God, we thank you for this wonderful and spectacular day. And for the honor and the privilege of living in this community. We pause right now to ask you to lift up the leaders of this nation, the leaders of this state, and our Mayor, and the members of the City Council. As they carry the mantle of leadership, we ask that you strengthen them, and encourage them and undergird them and guide them. Give them the gift of discernment as they consider the matters before the Council this evening. As we engage as citizens, let us engage in a way that is both united and civil, yet passionate. All of these things we ask in your name, amen.

Mayor Lane: Amen. Thank you, Reverend.

**MAYOR'S REPORT**

[Time: 00:04:54]

Mayor Lane: A couple of items to report. First, I would like to congratulate the Parada Parade committee, as they have been awarded the best urban event from the Arizona Office of Tourism. To speak more to that award, I will ask Todd Davis to come to the podium to say a few words. Mr. Davis?

[Time: 00:05:15]

Todd Davis: Thank you, Mayor and Council. I invite the committee of eight. It's been an honor last year, I was volunteered, or voluntold to join this committee. They're very professional, it's been outstanding. I'm going to read the press release. It says at the recent 2018 Arizona Governor Conference on Tourism, the Scottsdale Parada del Sol Parade and Trails End Festival volunteer leaders were honored by the travel professional for the exceptional efforts to keep this vibrant volunteer tourism award alive. The group's partnerships with the city of Scottsdale, Western Week, Parada Del Sol Rodeo, Hashknife Pony Express and the American Indian festival, highlighted everyone's efforts to promote a common tourism experience and was a winning combination. The next award on September 27<sup>th</sup>, the Public Relations Society of America, Phoenix chapter, held their annual Copper Anvil Awards to recognize the outstanding work of public relation practitioners in the valley. Regards as one of the highest awards, the prestigious Copper Anvil judged by out-of-state public relations professionals awarded to the Scottsdale Parada del Sol, for the marketing and special events category.

We believe that the volunteer sponsors like the city of Scottsdale staff should be proud to be part of this award-winning Scottsdale event. With that in mind, we would like to have someone accept the two awards. And we would like to thank Rachel, Karen, Steve, Cheryl, Holli, all from the city for your outstanding help and being part of this. And all of our volunteers. Also we announced that the Parada Del Sol is a 501(c)(3) and thanks to Ellen for all the P.R. she helps us achieve. Thank you very much.

Mayor Lane: Thank you very much, Parada Parade committee and congratulations on a job well done as always. Thank you for what you do for our city and maintaining our history.

**PRESENTATIONS/INFORMATION UPDATES**

Mayor Lane: In 2018, the ICMA Certificate of Excellence in Performance Management was presented to the city of Scottsdale and I have Megan Lynn here, Management Assistant here to present.

[Time: 00:08:31]

Management Assistant Megan Lynn: Good evening, Mayor and City Councilmembers. My name is Megan Lynn and I'm the Management Assistant to the city manager. And team leader for the

performance management team. And tonight, I'm going to briefly tell you about, as the Mayor was saying, the certificate of excellence in performance management. The city's management performance team was recently awarded by the international city county manager's association, as well as our history and recent accomplishments and the performance management team.

So each year, ICMA rewards certificates for those who promote transparency. The certificates of excellence, the highest level, distinction and achieve. On the jurisdictions that incorporated the principles of performance management at various levels in the organization. And this is the sixth year, as you can see, in a row, that Scottsdale has achieved this distinction. Certificates are awarded on, based on criteria, including data collection, verification, public reporting, accountability, process improvement, training, support, networking, and leadership.

The initiative and key activities of performance management follow a four-step cycle, as you can see of defining results or strategic planning, achieving results, performance measures, assessing results, surveys, benchmarking and reporting and improving results, process improvement. At a Council meeting in 2009, there was a commitment to start a performance management initiative, and in that same year, the city's executive team approved the performance management framework and created what is now the performance management team. Over time this commitment grew to what it is today.

[Time: 00:10:21]

The performance management team is comprised of representatives from all over the city. All of the divisions, which meet monthly, and while we like to say this is not the sole part of one person's job, it's a small part of everyone's job. Beginning in 2016, the team moved to use a subteam approach, which also meets most months, in addition to our performance management team. For 2018, there are four subteam focus areas.

These are reporting and benchmarking, data analytics, process improvement, and behavioral insights and these teams are also used as leadership development opportunities with the end goal of improving results and service for the public. So we have got some fun pictures up here. Since the beginning of performance management initiative in 2009, the city has accomplished some amazing things and I will share just a few highlights from the past nine years.

Since 2010, Scottsdale has issued citizen friendly annual reports and so these are four-page snapshots intended to give citizens a better understanding of their government and provide a more meaningful debate about fiscal priorities, performance results and future challenges. These reports can be found on [Scottsdaleaz.gov](http://Scottsdaleaz.gov) if you search performance and we also have some hard copies available at our front desk here. In June of 2016, Scottsdale was one of five cities listed on Bloomberg's philanthropy's honor roll. One of the 14 cities chosen towards this certification. And what work cities is a philanthropic collaborative that partners with cities to enhance the use of data in decision making.

Following the four points of commit, take stock and act, Scottsdale has used data to inform decisions

and drive success. As you can see from these images we have received national recognition in doing so. For example on the right is a recent article about the Scottsdale behavioral insights team and the success of using behavioral insights to drive donations to our Adopt a Senior Program. In 2017, we launched our open data portal with 42 data sets at that time to provide better services and transparency to our community.

To provide some detail on our subteams, our reporting and benchmarking team reviews and modifies our quarterly performance report and we make recommendations for additional measures and we develop both regional and national benchmarking efforts. Our regional effort is called valley benchmark cities, and we just issued our fourth valley cities comparative trend report in June of 2018, as well as hosting our performance management as you can see in this picture. This team oversees the process improvement initiatives and makes recommendations on process improvement training and facilities process improvement efforts in departments.

In 2018, we hosted a process improvement training for 24 employees. As mentioned before, our behavioral insights team encourages the use of behavioral insights to encourage city programs and services and coordinates behaviorally informed randomized control trials to test what works. As you can see we hosted a behavioralized boot camp, to increase the recycling rates and the beat heat the trials to improve those services.

[Time: 00:14:06]

Lastly, our data analytics team works with our business intelligence unit to support of the use of open data within the city to advance the practice of evidence-based decision making. As you can see in this photo, we held what we call the progressive day to day with 43 city employees representing 25 departments. 138 data sets were identified and allowed staff to become familiar with the data and resources available to them outside of their department to assist in decision making.

Looking to the future, the city manager is committed to continue our participation in the what works city initiative to accelerate our city's use of data and evidence to improve residents' lives and the team recently resubmitted and we are working to achieve the what works certificate in two years. We will help institutionalize performance management within the city. We are almost done with our city-wide data inventory to identify data for problem-solving and decision-making and to improve service delivery using low-cost evaluation and process improvement packages.

We will soon launch an integrated tool for strategic planning and performance dashboard reporting. And before concluding, I would like to recognize and thank the staff members on the performance management team and subteams for their hard work and commitment to achieving the certificate of excellence in performance management. And their dedication to continuously improving our city services. And thank you to the Mayor and the City Council for your, for the opportunity to share this information with you. And with that, I would look to invite the members of performance management team up to take a picture. Thank you so much.

Mayor Lane: Let me come down and present this to you. This is probably one of the highest

awards that's available from an organization that represents our cities and our counties' management and our management style. So this is a very, very important award when it comes to just how performance, management, and, and the analysis of what works and what doesn't work and I think it's very, very nice to see.

I would like to just read what it says on this plaque, because I think it, it goes to all points that Megan made but very specifically to Scottsdale, Arizona, for exceeding the standards established by the international city and county management association. Thus the ICMA, and the identification and public reporting of key outcome measures surveying of both residents and employees and the pervasiveness of performance management in the organization's culture. And, of course, it's signed by the ICMA executive director, Mark Ott and ICMA president David Johnstone. So congratulations to all the efforts of the entire city in obtaining it. Outstanding.

**PUBLIC COMMENT**

[Time: 00:18:26]

Mayor Lane: Next order of business is Public Comment. Public comment is reserved for citizens' comments regarding non-agendized items with no official Council action to be taken on these items. Comments are limited to issues within the jurisdiction of the City Council. Speakers are limited to three minutes each with a maximum of five speakers. It will be another opportunity at the end of our meeting for additional Public Comment if it's called for. And with that, we'll start with Patty Badenoch.

[Time: 00:19:11]

Patty Badenoch: Good evening, Mayor and Council. My name is Patty Badenoch, 5021 North 71<sup>st</sup> Place Scottsdale. My issue has to do with noise pollution. There's a wonderful establishment that's new, right across the street from Camelback Park Estates. It's called Adeline. If you can see it. And they have these incredible, or now they don't but had incredible swim parties. And they were incredible and loud and really intrusive in our neighborhood. And I went over there and politely spoke to them a couple of times. Got a lot of polite platitudes in response. I went to, I had the police over there once. S.R. Smith went over there. They finally got a decibel that read 68, and so it was legal. And this was it.

Now, that is at the site itself. It's not quite that loud, but it goes through my backyard, through my house, into the front yard, across the street into the house next door, across the street from me. And the 68-decibels should be separate, at least as a compromise. It's so loud that there's no way you can have anything, well, being drink and that's about it. You can't even have a conversation. It's so loud. I think it ought to be reviewed and revised. Thank you.

Mayor Lane: Thank you Ms. Badenoch. Next Pat Shaler.

[Time: 00:21:33]

Pat Shaler: Where is the timer so I can see it this time? Thank you. My name is Pat Shaler. My address is of record. I want to speak to you about Neptune Swimming Foundation. Thank you to the Council for referring our citizens' petition on the gift clause violation to staff for review. City manager Thompson has provided you and myself with his response. I have provided you with our reply today. I gave it to the city clerk. She has one copy for each of you.

The problem is the gift clause issue is not addressed. During the meeting, we had an hour and 20-minute meeting with Mr. Thompson and two of his colleagues and his comment about the gift clause was, and I may have this a little off and maybe paraphrasing, well, that's a state issue. In his response, he talks to us about the financial part of awarding an aquatics contract to allow another swim club into Scottsdale, as being only 30% of the criteria. Now, you could say instead of only 30%, as much as 30%.

What else, what else hasn't come up is not only does your current contractor, Scottsdale Aquatic Club, pay only \$7 per lane per the guideline that you signed earlier, they also charge Scottsdale residents more to swim than Neptune's foundation request for proposal provided. So they are getting a two-for against Scottsdale residents. They are charging more and they are paying less. I understand you do not have a supervisory position over commissions or policies or something, but you do have a fiduciary responsibility to me. And that fiduciary responsibility is to see that Scottsdale citizens are treated fairly.

When, there was a request for proposal, when Neptune Swimming Foundation prevailed on that. That was thrown out. Well, we don't have that. Then they said, we're going to have another process. I understand that today more documents are going to be provided by Neptune, we hope by Scottsdale Aquatic Club. I'm sure after 50 years, Scottsdale Aquatic Club has got friends, relationships, business dealings with all of you. That is fine for cocktail parties but it should not be determined to giving our youth the best chance at an aquatic experience and a choice of clubs. Thank you.

Mayor Lane: Thank you, Ms. Shaler. Next is Andrea M. Keck.

[Time: 00:25:09]

Andrea M. Keck: Good evening. I am here to celebrate our success. We didn't just win, we crushed it! I couldn't be more proud of what we have accomplished. It's been nearly three years since I first stood before you, never before had I been involved in any political activity. In some ways, it's been a wonderful experience. I have worked closely with probably 50 people who I otherwise would likely have never met. Some were neighbors I didn't know, and others from across the city, and some millennials and some actually older than me. Some with my political ideology and some who couldn't be more opposite, all kinds of people. All who regardless of our differences, came together united by one passion, keeping our preserve pristine. In the face of truly Herculean barriers put before us, we worked together, we persevered and achieved what many in this room and across the city thought was impossible. That's the good news.



The bad news is that my civic involvement has been probably the most depressing experience I ever had. To see up close so many instances of questionable competence and in some cases unethical behavior from some of our City Councilmembers have been incredibly discouraging to me. Perhaps most depressing to see 91% of the funding for opposition to Prop 420 coming from developers and entities or people outside of Scottsdale. I would like to lead the lists of specific incidents that personally experienced but it's so long, I would exceed my allotted time. That alone is a very sad statement. Some of you made a critical mistake. You thought you would out smart us by forcing us into the initiative process, thinking we would never succeed. Boy, did you underestimate us.

For what began as a community effort to save our preserve has now morphed into something much larger. It is morphed into a referendum on how our Councilmembers perform their duties on unrelenting zoning variances and whether we want people and entities from outside Scottsdale significantly influencing our elections. In addition to saving our preserve, something even bigger may have happened as a result of Prop 420. The balance of power may be seismically shifting in Scottsdale. There is now a large, engaged, energized citizenry who want to reclaim their city. We know what we want and we'll be working to get it in the next election. Don't underestimate us. Our two candidates received the highest vote totals this time around. We expect to have an even greater impact next time, because now we are not 50 people, we're 71,244.

Mayor Lane: Thank you, Ms. Keck. Next is Sandy Schenkat.

[Time: 00:28:41]

Sandy Schenkat: That's a very hard act to follow! But I'm going to just dump a few more things on Council here tonight. I came for Item 12, but I was told I have to wait till December 11<sup>th</sup>. And since I was dressed up, I thought I would mention a few other things. The positive is Canal Convergence is fabulous. Everybody has to get down there to see sometime before the, the end of the weekend, it's our new signature event. So congratulations to Scottsdale Public Art for what they have done and we should all be very proud and make sure we show up and enjoy it.

I would like to suggest that next go-around with the campaign that we figure out a way to recycle these campaign signs. Don't let people put them up too early and get them down as soon as possible. So maybe we could do an ordinance or something to address that problem because we still have a lot of signs still out there that are bad.

And then another item is that the Tour de Tavern. On Saturday afternoon, I went downtown and I was on Main Street, and I just heard all of this shouting and yelling and obnoxious people on this Tour de Tavern. Now I have seen it several times but for some reason, it's getting worse. This was three in the afternoon. And these people were obviously a little inebriated. So I think we have to readdress this limousine law and do something about this because it's not good.

Now, the last thing is that I almost wiped out two people when I was driving around downtown. One guy was on a scooter. There were about six people jogging around me. I made a right into a

parking spot and the one guy had to jump off of his scooter immediately because he obviously didn't see me put my blinker on. So I could have killed him. And then I was down on Main Street and Marshall and I was going around the roundabout and these people were in bicycles cutting around the wrong way. They don't follow the traffic. So I recommended to Chief Rodbell that maybe he has some feet on the street so that we don't have any more accidents that we have to pay for. Okay. Thank you.

Mayor Lane: Thank you, Ms. Schenkat. Next and final is Chris Duran.

[Time: 00:32:00]

Chris Duran: Thank you, Mayor Lane, distinguished Councilmembers. I'm here with a proposal to end public urination in Scottsdale. I'm an attorney who just practices down the street at the Scottsdale city court. I get a handful of clients just at my own firm alone every year that are cited for urinating in public. When we go to the Scottsdale city prosecutor's office, they have directed us that the Council has enacted a policy that their standard is not to give any type of diversion option to these people but to have them plead to a class three misdemeanor with a minimum of \$384 fine.

Certainly that may stop those specific people from urinating in public, make them never do it again, but Scottsdale attracts many out-of-state people. Many celebrities. It attracts a lot of people specifically to the downtown district here on saddlebag and camelback where all the bars and nightclubs are. It doesn't end the problem.

I sent an email out prior to this and I gave you a proposal that one of my clients helped me put to go. He's an out-of-state celebrity and got cited for urinating in public. It's not just people who are intoxicated who just want to do that or get out of the bars and decide that they are going to urinate on the wall. These are people that are standing in line to wait to get into the bars and sometimes they have an hour-long wait on peak weekends. We need to have a proposal to put in Porta-Potties and that's what this proposal does. It talks about putting in ten specifically, five that are going to be over on saddle bag and five that are going to be on buckboard trail.

We outlined the costs for how they can be paid for and how the supplies can be paid for and how we can have security guards to monitor these to make sure that they don't get tipped over or don't get damaged and putting up signs that talk about the serious fines with the Scottsdale police department of where these people are urinating behind these buildings. There's a joint effort that can be made. There's also a peak weekend tax that we can place specifically on drinks.

People are going to go to these bars anyway. They will go, especially on peak weekends and is placing a small peak weekend tax on drink could be a way to pay for it. But last year alone, the minimum number that I got from a member of the Scottsdale police department is that there's 500 urinating in public citations that were issued. In this area. And \$384 a ticket, that generates \$192,000 alone for the city of Scottsdale. What it will cost for this, just to run it through on weekends for every weekend is \$52,000. So we have enough to do it. I would urge you to consider it.

Mayor Lane: Thank you, Mr. Duran. That completes the Public Comment this time. I want to thank all of those who communicated the message to us on all counts.

## **MINUTES**

[Time: 00:35:28]

Mayor Lane: The next order of business will be a request to approve the Regular Meeting minutes of October 2<sup>nd</sup>, 2018, and October 16<sup>th</sup> of 2018, and the Special Meeting minutes of October 16<sup>th</sup>, 2018. We have all had the minutes supplied to us, unless there are some adds or deletes or adjustments that you see necessary, I would accept a motion to approve.

Councilwoman Klapp: Move to approve.

Councilmember Littlefield: Second.

Mayor Lane: Motion to approve from Councilwoman Klapp and seconded by Councilwoman Littlefield. Seeing no further questions we are ready then vote. All of those please indicate by aye if you approve and nay if you disapprove. Aye. It's unanimous. The minutes are approved thank you very much.

## **CONSENT AGENDA**

[Time: 00:36:12]

Mayor Lane: Moving on to our next order of business, our Consent items 1 through 33. With the one exception that Item 12, the Rock Bar outdoor signing revocable license agreement has been removed for Consent Agenda and will be rescheduled at a future Council meeting. That was at the request of staff. That's an automatic. Unless there are any other questions of any Consent items or none from the public or from the Council, I would ask for a motion to approve the Consent items, 1 through 33 absent item 12.

Vice Mayor Phillips: So moved.

Councilmember Korte: Second.

Mayor Lane: Motion has been approved or made by Councilman Phillips and seconded by Councilwoman Korte. That completes our Consent items. If you are here for the Consent items, you are welcome to stay or otherwise, you can leave, please, quietly. We do need to vote on that. Yes. Okay. It has been voted. Now you can leave quietly if you would like. Thank you.

## **REGULAR AGENDA**

**ITEM 34 - BICYCLE AND RELATED DEVICES ORDINANCE**

Mayor Lane: We have one Regular Agenda item, bicycle and related device ordinance. And the presenter is Brent Stockwell, the assistant city manager and I think we have one request to speak on this. We have two. Brent, if it's all right, I will go ahead and take these requests first. I start with Sam Dreiman.

[Time: 00:38:14]

Sam Dreiman: Good evening, Mayor Lane and Scottsdale Councilmembers. I'm Sam Dreiman, the director of government relationships for strategic development for Lime. As you know, we have always believed in a strong partnership, since we began bike share services last year. We have served tens of thousands of riders helping them get from one place to another. We have had local staff of up to 25 individuals working to address the concerns and we are excited about the opportunity to add to our mobility offerings to the city in community of Scottsdale.

We have been working closely with your staff on an ordinance that we believe addresses the concerns that you have faced during the bike share period, and we believe we will be able to operate with a greater degree of control and accuracy with these additional mobility devices because of the way they are operated. Scooters have to be picked up every night and charged. Therefore, they won't be left for a couple of days on end, like the bikes were. They, again, all have GPS devices, tracking technology on them. So we are able to identify them. They all have customer service phone numbers and contact information that anyone can reach out to.

We also have a newly hired general manager to oversee these operations. He's in the audience right now. And we also, as we did with bikes, are prepared to share our data with staff and the city, so that you are aware of how people are moving around and where they are going and how we can encourage nonautomotive transportation around the community. Again, we are supportive of this ordinance and are excited to be able to partner with the city and hopefully continue serving the community. Thank you.

Mayor Lane: Thank you, Mr. Dreiman. Next will be Taylor Strand.

[Time: 00:40:51]

Taylor Strand: Good evening, Mayor Lane, Vice Mayor Phillips, members of the City Council. My name is Taylor Strand and I work on the government relations team at Razor. Razor is proud to unequivocally support the regulatory framework that injure staff has, your staff has presented at tonight's Council meeting. Our company has been active correspondence with members of City Council's office and had a meeting with city manager Thompson to discuss the opportunities and the challenges of bringing our dockless shared scooter services to Scottsdale.

We know that this new form of alternate mobility has posed numerous issues to you and your constituents and we support regulations that enhance rider and pedestrian safety, address the issue

and indemnification and liability and require operators to be more forthcoming with ridership data. Razor's core operational philosophy has been to ask permission not forgiveness. And we are proud to have launched our services in each market only after going through the proper permitting or regulatory process with relevant city authorities.

That's why Razor has not operated in Scottsdale thus far and will continue to do so until local regulations indicate otherwise. We commend Assistant City Manager Stockwell and his colleagues for their thoughtfulness in crafting the regulatory framework you have heard about tonight and for his diligence in keeping potential operators like razor thoroughly updated on the regulatory process here. Please let myself or my colleagues on your local Razor team know if there's anything else we can do to support your efforts in moving forward. Thank you for your time and we strongly support a vote on the proposed ordinance as drafted. Thank you.

Mayor Lane: Thank you, Ms. Strand. That completes the Public Comment on this item, item 34. Brent is in place if you want to go ahead and make presentation.

[Time: 00:42:52]

Assistant City Manager Brent Stockwell: Good evening Mayor and City Councilmembers, I will overview changes proposed to city regulations, relating to bicycles and related devices that are outlined in Ordinance Number 4372. Scottsdale has been recognized nationally as a bicycle-friendly community. Scottsdale has built a significant system of bike lanes and shared use paths throughout the community. And Scottsdale's tourism industry brings millions of visitors annually and tourism, tourists and residents alike are often interested in experiencing Scottsdale on bicycles and other devices. Within this environment, though, Scottsdale is particularly attractive in sharing companies interested in renting bicycles and similar devices to individuals on a very short-term basis for a fee.

A year ago in November of 2017, several privately-owned bike share companies operated in Scottsdale. Bike share was offered in dock-based program. That required fixed locations where bikes were stationed. Those programs required significant city funding or sponsorship to cover infrastructure and other costs. Unlike programs in other cities, the companies which have located in Scottsdale do not require government funding and do not require other customers to use the docking system. Dockless programs have supplanted docked programs because of their flexibility.

In May 2018, a company also began placing dockless stand-up electric mini scooters in Scottsdale. Current city code imposes significant restrictions on their operation and use. In addition, additional companies have also expressed interest in operating in Scottsdale. We also anticipate the companies will place electric bicycles in Scottsdale this year. The city has received complaints from citizens and businesses regarding the presence of shared devices in Scottsdale. Most concerns relate to the large number of devices in certain areas, devices left on private property, and devices parked improperly.

Staff from the city manager's office, city attorney's office and the police and the Transportation department work together to prepare the draft ordinance that's before you tonight. The team reviewed Public Comment, comments from the Transportation and Neighborhood Advisory

Commissions, comments from sharing companies and also ordinances from other cities to prepare this draft. The proposed ordinance, specifically regulates the parking and operation of all bicycles, electric bicycles, motorized bicycles and motorized play vehicles and stand-up electric mini scooters regardless of ownership.

Staff felt an appropriate way to do this was to define where these devices could and could not be parked and operated rather than proposing regulations specific to sharing companies, which is being done in other communities. To address most concerns raised by Scottsdale residents, businesses, and staff, the multi-department staff team identified several criteria necessary for inclusion in the draft ordinance. These are not all the issues but they are the main ones deemed to address most situations. So I will run through each one of these one by one.

The first is to keep sidewalks open for pedestrians. A problem experienced during the past year was the devices blocking sidewalks from use by pedestrians and those using other devices. In the draft ordinance, parking is prohibited on a public sidewalk obstructing the pedestrian through zone which is the portion of the sidewalk used for travel, accessing transit and other buildings. Second criteria is to require the owner to keep the devices properly parked. This clarifies that the owner must take responsibility for their devices and includes those who hold legal title, the sharing company and those who lease the devices for their own personal use. In the draft ordinance, devices should be parked in a rack or a designated parking area or any place that it's not otherwise prohibited and to make that easier, we outlined 15 areas where parking is prohibited.

These prohibitions for the most part are similar to those for vehicles, but also prohibit parking in landscaped areas. This is primarily for aesthetic reasons and placement makes landscape difficult and it can damage the drip irrigation systems. What do you do if a device is improperly parked? The draft ordinance requires a two-hour removal of improperly parked devices upon notification from any person. This empowers residents to contact companies directly and, and for companies to take them seriously.

[Time: 00:47:48]

The third criteria is that devices should be operable and used. A concern was that devices were parked for long periods of time without moving. In addition, devices had missing seats, brakes, or broken wheels that rendered them inoperable and they were left for long periods of time. Inoperable devices be removed within two hours after notification, and, in addition, it's illegal for them to remain on the same location, on public property for more than 72 hours. So this requires them to be used at least once every three days.

Finally, the draft ordinance also clarifies that improperly parked, inoperable or abandoned devices may be impounded. The fourth criteria is to maintain aesthetics by proper spacing. During the past year, there were time periods where large quantities of bicycles were parked in close proximity to each other. This presented an aesthetic issue, seen particularly in Old Town Scottsdale last year. The draft ordinance addresses this by stating that unless authorized by a city permit, such as a special event permit, there's a maximum of five parked devices by the same owner within 200 feet.

For example, if you have five devices parked at the northwest corner of Main Street, you can't have another five bikes until the southwest corner of First Avenue, one block away. While it's easily visible, this still helps to reduce clutter. And since these devices are all through technology on apps, if you can't find one there, you can find where the next closest one is to you.

The fifth criteria is to respect private property. We have received complaints about devices left on private property and the draft ordinance, devices can only be on private property with owner permission. However, there is an exception for commercial property and multifamily residential property if they are located on the racks and the designated parking areas within those developments. Revisions were made by changes in in-state law that related to three types of electric bicycles. Basically class one and class two bicycles have motors that can operate up to 20 miles per hour and class three are those devices that operate at greater than 20 miles per hour.

Because of the difference, the draft ordinance, in the draft ordinance, the slower devices would be allowed on sidewalks and shared use paths. However, the class three electric bicycles, the faster ones will continue to be prohibited on shared use paths and will be prohibited on sidewalks due to their ability to operate at high rates of speeds. And it expands the areas where stand-up electric mini scooters are allowed which would now include sidewalks and shared use paths, as well as roadways with speed limits of less than 40 miles per hour.

[Time: 00:50:52]

Finally, there were changes to promote safe operation and improve enforcement. Device travel at speeds greater than reasonable and prudent is prohibited as is device operation with reckless disregard for safety of persons or property, and device use under the influence of alcohol or drugs. So city staff will enforce the ordinance within our current budget and personnel, while the police department will remain responsible for enforcing the aspects of the ordinance that involve device operations such as speeding or riding under the influence.

The ordinance allows the city manager to authorize other departments to enforce ordinance sections relating to parking. If the efforts proposed in Ordinance Number 4372 are not enough to resolve community concerns, staff also discussed the in. Steps the city could take. There are at least two alternatives that the Council may wish to consider. The first is the Council could direct the city manager to prepare an ordinance that provides regulatory or revocable licenses for shared bicycles or shared stand-up electric mini scooter use on public property. For example, the city could consider regulatory business licensing such as what is required today for valet parking.

Or a revocable license agreement or permit to use city property or right-of-way such as those that are required for an outdoor dining license agreement or encroachment permit or the city could, Council could direct that a competitive process which allows the city to select one or more providers. Even with this direction, staff would still recommend adoption of the ordinance before you tonight.

Another option would be to prohibit the placement of these devices for leasing on city properties and

rights of way. In other words they would only be allowed on private property with permission. If this is the direction, then staff would need to come back with an alternate ordinance draft by the Council. If the Council does not want to expand stand-up electric mini scooter use, then the Council could decide to continue the current limitation of these devices which are basically limiting them to private property or streets with speeds of 25 miles per hour or less.

In that event, as well, staff would need to come back with a revised ordinance to reflect that change. The city manager and staff will continue to monitor the situation, and will take additional action or make additional recommendations for Council as needed. So staff recommends the adoption of Ordinance Number 4372, as a balance between the free market for business and consumer, and customers. And with the necessary regulation of health, safety and welfare. The Transportation Commission and the Neighborhood Advisory Commissions also reviewed the draft ordinance and unanimously recommended adoption. So thank you.

Mayor Lane: Thank you, Mr. Stockwell. We do not have any requests to speak on this issue any further. Comments from the Council? Vice Mayor Phillips?

[Time: 00:54:05]

Vice Mayor Phillips: Okay. I will start. So I want to thank staff for going through it and come up with this ordinance. I think you have done a really good job. In the 15 areas that are prohibited, is Public Art one of them?

Brent Stockwell: That may be hard to read, but Public Art is not specifically listed on that, but if that's something that the Council wants to make sure that we make sure that they are not operated on Public Art, that has something that we could handle through the administrative discretion, perhaps.

Vice Mayor Phillips: I don't think it would be operated but just parked. I have seen some in front of the giant magic rabbit. It's hard to take a picture of Public Art when you have bikes in front of them. You always see them in front of the fountain by the Breakfast Club. So I would like to include that. And the other thing I would like to include is a line where we ask staff to monitor and come back after our tourist season to Council with a full review of how it worked out.

Mayor Lane: Thank you Councilman. Councilman Smith.

[Time: 00:55:38]

Councilman Smith: Thank you, Mayor. You talked about what is not going to be permitted but I'm not, what are the consequences if somebody does what they should not do?

Brent Stockwell: Yeah. Mayor Lane, Councilman Smith, members of the City Council, so within the ordinance, there's a set and escalating sense of penalties that would be applied if the ordinance was violated. Now, our intent is not to go out there with a patrol to try and catch everybody that's in Scottsdale, that's violating this, but it's there in place, if we have an owner that is consistently and



regularly not adhering to the standards. It gives us the ability to escalate and address that situation.

Councilman Smith: My second question, I guess, there is no license or city operating fee or whatever for these companies, is that right?

Brent Stockwell: That's correct.

Councilman Smith: I wonder if that's something that we should consider. I mean, if we are going to have to enforce these regulations, and it's not simply a passive act, is there any, was this any consideration given to licensing these companies to do business on public property?

Brent Stockwell: Yeah, Mayor Lane, Councilman Smith, members of the Council, that was one of the things we talked about. I probably should have mentioned it in my presentation but I was trying to keep it short. One of the guiding principles we got from the city manager and what he shared with you back in February is he didn't want these private businesses to become an increased burden on staff. And so one of the things that we were looking through, as we consider all of those options is getting into additional licensing and additional regulations like approving the areas where they could park and not park. It would create an additional burden on staff and so it was something that we didn't consider at this time. It's definitely something, as you mentioned, I think on the second to last slide that we could escalate into, if needed. So.....

[Time: 00:58:22]

Councilman Smith: Well, I guess it remains to be seen what burden it will be or what the budget cost will be, but it seemed like we are taking upon ourselves the burden of making sure that the regulations are adhered to or the citizens calling and advising with not much clarity about whether we're going to, whether it's going to pay for itself or not. I guess my impression was that these companies with all of their electronic gadgetry and whatever, there's probably instant feedback from the bicycle operator if they decide to shut it off and abandon it next to a piece of Public Art or in a prohibited area, and it seems like they could regulate themselves. Rather than having us go out and try to figure out or whether they are violating the code or not. But I guess we'll hope for the best.

Mayor Lane: Thank you, Councilman. Councilwoman Klapp.

[Time: 00:58:56]

Councilwoman Klapp: One question. Actually a couple of questions. The first one is: Who would impound the scooters or bicycles? Would that be Code Enforcement?

Brent Stockwell: Under the ordinance, it's, there's a number of staff that could be designated to do it. If it was appropriate for the police department, that could be done, and it could be anyone that the city manager designated. It could be Code Enforcement or transportation as well.

Councilwoman Klapp: Will there be a number provided to citizens for them to call if there is such a

situation that a bicycle needs to be impounded?

Brent Stockwell: Yes.

Councilwoman Klapp: Okay. Secondly, will the companies that are providing these devices be instructed in some way to communicate to the people who are renting them that pedestrians on sidewalks have the right-of-way? I'm not sure they, in many cases understand that, and I hope that there's some mechanism for properly communicating to the people that rent these that they have to give right-of-way.

Brent Stockwell: Yes, Mayor Lane, Councilwoman Klapp, if this ordinance is adopted and when it goes into effect in that intervening period, we would be working with all the companies that choose to operate in Scottsdale to make sure that they are informing their riders of what the rules of operation would be. We would also need to do a kind of internal campaign with our own citizens to let them know about that as well. So.....

Councilwoman Klapp: I think that's critical. I probably would have thought originally that it would be better to leave the scooters in the street, but I did a police ride-along about three weeks ago downtown and after watching the scooters in the streets, I don't think they need to be there. They are very dangerous. I think people are treating them as toys and they are darting in and out of traffic. And so it concerns me the way the people are operating the scooters. I think it's probably a little safer than if they are in the streets. I realize they can still ride in the streets but now with the option of allowing them on sidewalks that's probably a good thing in retrospect. So I'm glad that this is something that we're going to allow. Thank you.

Mayor Lane: Thank you, Councilwoman. Councilwoman Littlefield.

[Time: 01:01:25]

Councilmember Littlefield: Thank you, Mayor. Well, I'm not quite so enamored with these, with ordinance as other people seem to be. I have a real concern for downtown with this. And that is if this area of Downtown becomes so hazardous by people trying to use the sidewalks and the roadways that they decide that it's better to stay away. There's a limit to how much interference people will take or endure and how many safety hazards that they want to contend with. With all that we are doing to make our downtown attractive and have people come down there. I don't want to make it more difficult for people to enjoy their visit and they don't want to come back because of that.

I looked at the ordinance, or the licensing agreement with Tempe. I checked out and I have copies of the one with Phoenix. And frankly, this ordinance will cause Scottsdale to look like a very cheap and easy target for these kinds of companies to come to, and to set up business in. Because we're not anywhere near as strict or confining as these other businesses are. Questions I had and I spent a great deal of time looking at this and reading it, what can these bikes and scooters, motorized or not be ridden?

Sidewalks? Bike lanes? Streets? Where can they be parked? How do we determine when the time limit for pickup has been exceeded? When are the hundreds of bikes to be checked, where are we getting the manpower to do that checking? Are we going to have bike brigades? It's almost impossible to enforce this. There are many, many regulations embedded in this ordinance. And they sound very good. But are these regulations truly enforceable with our current staffing levels? How many man hours do we need to just add to our downtown area to control these bikes, these scooters, these skateboards and ensure that the city streets and the rules for those streets are enforced? Are we taking police from other areas of the city in order to move them to downtown and have the manpower to do that? If so, where are they coming from?

What areas are we going to take them from? Has any kind of a study been done on this kind of determination to see if it can even be enforced? I see no study. Nor have I seen a cost estimate of what it would cost us to do that enforcement every day seven days a week. Who accountable for the violations of the ordinance, the bike companies or the riders or both? What is the company, the city's plan to enforce it and a civilian bike check authority, perhaps? You know? City staff? Code? I don't know. It's not in here.

Along the same line, how are we going to enforce a time limit for picking up bikes that litter people's yards, sidewalks and parking areas? Are we fining the companies, the riders or both? And what is that fine if they are going to be fined? Is there training for the riders before the renting of motorized vehicles on our streets and sidewalks? Is there going to be? Especially new riders who aren't used to doing this?

Will we be demanding liability insurance for accidents from either the company or the rider or both? Is the city liable or any part of an accident because we allow them to be here through this ordinance? Are we condoning this liability and will we have liability waivers that all riders must sign so that the city can limit its liability? How about the companies? Are they going to be signing liability waivers also? Without some kind of limited liability in place, I believe we are opening ourselves up to a huge and very expensive can of worms.

[Time: 01:05:43]

Wouldn't a docking station program be much more easily enforced, patrolled and policed? A docking station scenario with keep our paths A.D.A. compliant, those people in wheelchair or walkers or canes. At least they would have to drop the bike off at a station and not somebody's driveway or street or sidewalk. I would like to see at the very least, a designated park and pickup area and signage in those areas where bike, a scooter or a skateboard cannot be left. For example, they cannot park in a public sidewalk obstructing pedestrian right-of-ways or dumped on someone's private property. Trash and litter, to quote one email that I got, is not the look we're looking to achieve here in Scottsdale.

Will it be a ticketed offense to not be in a bike lane if you are riding a bike? How about scooters and skateboards? What rules of road do these folks need to obey and how will the riders of these bikes and scooters and skateboards know what those rules are? They are very complex? Are we holding training sessions for them? Are the companies holding training sessions for them? How do they

know what is going on and where they should be? We have many reports of waits over the past year of more than 72 hours. More bikes to be picked up and dropped off in any kinds of places.

Are there any penalties for the long wait times for either the companies or the riders or both and what is it if there are? I would like to talk a little bit about the electric skateboards. This one is almost directly from a letter that a resident wrote to me, and I think there were some reasonable issues and questions about the dangers. Their speed is 17 to 18 miles per hour. These are the skateboards. 50 usually less than the speeds allow on the roads but much higher for the walkers or wheelchairs. This causes the traffic to slow or go around and at 17 to 18 miles per hour that could really endanger pedestrians.

With these skateboards, much depends on the rider's skill according to this rider, usually people require a lot more practice on the skateboards to attain the skill. How does the company determine the skill level of a particular rider? Do they assume liability for a rider who may not have that higher level of skill? Or expertise that's needed to be safe on our streets and sidewalks? How do we know that they do this? Do we have checks and balance here? Visibility of a rider on a skateboard is a concern. They are low down. They have the same visibility as a pedestrian. But he's going much faster than a pedestrian. On the street, a skateboard can often not be seen by a driver and because of that, they don't know that it's under his feet. They don't know where he's going or what he will do. This is a huge danger.

[Time: 01:09:04]

I agree with the writer to the danger, the writer of the email, I don't agree that they belong on the sidewalk or the street. I think we are opening up the city to a great deal of potential liability and I don't see that we are taking any major steps to limit that liability. I have a huge concern for the practicality of enforcing these suggested rules and regulations in the ordinance that you presented to us. I don't like passing ordinances that we really in advance that we cannot enforce. I do not want to have to hire additional personnel just to enforce this ordinance. And if we cannot enforce these rules, does codifying them into a legal ordinance approved by the City Council cause our liability to increase? Because we have said it's okay? I don't know the answer to that either.

My preference is for docking stations where bikes, regular or motorized, can be picked up and taken back to their original location. If publicly rentable bikes want to stay in Scottsdale, that's fine. It seems like there is a huge demand for them. However, I believe stations are the best method cost-wise and liability-wise for the city and it is best consideration-wise for our non-biking public. So they have access to our public sidewalks and walkways.

Rental bikes would still be available for those would wish to use them, but I do want the city to assume liability for this program. Also liability for any accident with any of these modes of transportation needs to be explicitly detailed in an enforceable contract with any bike company wishing to do business in Scottsdale. That would also include any scooters or skateboard companies whose products would be in our public right-of-ways, whether the equipment is motorized or not. Since many varieties of individual ride equipment seems to be popping up on a daily basis, and something I

would have never thought of, we all seem to ensure that all varieties of such vehicles in the future allowed in Scottsdale would be included in this kind of ordinance.

I believe the ordinance is inadequate and does not protect our downtown area, our citizens, or our city from harm. I also get the strong impression that we are soft pedaling these very real concerns folks have with these bikes. I cannot support the ordinance as it stands and I'm sorry that I can't. I would like to see an amended or alternate ordinance come back to us which requires docking stations for bikes, scooters and skateboards. You can call them designated return locations. I don't care what terminology you use. Whatever, as long as it's understood that ridden vehicles need to be placed there where, when renters are done with their ride. Thank you.

[Time: 01:12:22]

Mayor Lane: Thank you. Please, I'm sorry. We don't applaud or boo but thank you your sentiments. Thank you, Councilwoman Littlefield. A couple of added questions, to some of what has already been said, but number one, with what was described, Brent, you did indicate those areas where they could park and where they could not park. And they could not be parked on city or public land, or public right-of-way is that not correct?

Brent Stockwell: Mayor Lane, members of the Council, are you talking about the stand-up electric scooters.

Mayor Lane: Yes.

Brent Stockwell: Today.

Mayor Lane: No, according to the drafted ordinances.

Brent Stockwell: So the way the draft ordinance says is they are supposed to be in bike racks or designated parking areas or anywhere else that they are not prohibited and there's a long list that I put up there on the screen earlier, that shows all the places that you can't park them.

Mayor Lane: So the designation that they can only be parked on private property is for the bicycles or is that for the scooters as well?

Brent Stockwell: The designation that they can only be parked on private property is the current ordinance that's in effect that staff believes governs the stand-up electric mini scooters today. So you have a situation today where if they have the permission of the private property owner, they can be parked there. That, of course, would actually be the same situation under the draft ordinance, because if you had permission of the private property owner, could you park 'em there. What it does allow is it allows, as I mentioned them to be parked in racks or designated parking areas or anywhere else that they are not otherwise prohibited.

Mayor Lane: Well, where it seems to become complicated as to where it can or cannot be parked is a

long list of very specific items that indicate where there is a red curb or this or that, those kinds of things and I would sort of understand that that could create some difficulty in a casual renter of such a, such a ride being able to digest all of the exceptions to it.

The other was that as far as the penalties are concerned, they are outlined not specifically to the infraction but by reference, of course, by a civil offense and the first or second offense and that type of thing. But it does, it does not are it, or it has not struck me as being clear who it is charged against. Some if they are not recharged and they are left, that's generally speaking, you might say the company's issue. If they are contacted and they don't pick it up and do it, and enforcement is another element of it. And whether the company were to pass through those penalties, that's, that would, I would presume would be left up to them.

Brent Stockwell: Yes so Mayor Lane, if I could reiterate on the first point and then get to that. So we're going to be very clear on where they should be parked. They should be parked in racks or designated parking areas. That's how clear we will work them. Park them in racks or designated parking areas. With regard to the penalties, if someone is kind of caught in the act, right, if the rider is recklessly riding them, if they are going too fast for the conditions and driving under the influence, the rider is the one that's going to be cited at that point.

If it's a parking violation and it's still there two hours after, the owner is going, you know, it will go after. So it seems as the staff team looked through this, it seemed to be evident based on the situation who it would be going after. Certainly a company if they got a citation for having parked it in the wrong place for too long, they could have a clause within their rental agreement that would pass that along, in a similar way that you do if you rent a car and you violate the law that they are going to make sure that they are going to pass that along.

But the other thing about this is we talked with the companies, they will use technology for this as well, and they will try to nudge their riders so they are parking them in the right location and not the wrong location because they don't want to get a complaint from a resident or a city staff member or a police officer or anyone to come out and pick that up with the clock ticking. That's the regulatory approach that we took on this, is kind of the minimum necessary to get the desired result.

[Time: 01:17:09]

Mayor Lane: Okay. Thank you. One of the things that we have tried to affect here is not to take liability for this operation at all. The city. Phoenix and Tempe both bought their systems at a cost of a few million dollars in each case. And they also assumed the information of it and the full liability for it. The effort here is to leave that liability with the operating company, not with the taxpayers here in Scottsdale.

So it's a matter of balance, I suppose, of what is important elements of convenience for the public here and frankly look and feel of our downtown and of the safety as well. And at the same time, allow what is seen by many as to be an amenity that they enjoy. I'm not sure maybe there's something that can be offered to us, to make it clearer to us as to how the companies would be able to communicate

this and frankly hold their riders accountability as well. They are going to have financial information. They are going to have the information necessary to bill them, if, in fact, they incur some kind of violation. That's just as if you had a rental car and you got a ticket, it doesn't even go to the company. It goes to you as far as that's concerned. So I'm not sure that that wouldn't be better, but ultimately, it's going to be the user that's going to facilitate a measure of control over these being abided -- these rules being abided by.

Brent Stockwell: Mayor Lane, so two things is. One is all of these devices are rentable through apps downloaded on phones and one the first things you see when you want to rent in that area, for a number of these companies, is what the local rules and regulations are. And so we have downloaded all the apps.

We have looked at them and if this ordinance is passed, we will go back and communicate with them, and try to get that as best noticed as we can. The second piece of it, though, we clearly define what the owner was because we didn't want the situation to say, where the companies would just say, well, we are bringing these devices into your community and we are not responsible for what the people do with them, right?

And so that's why we felt it was very important to include those provisions in the ordinance just to hold the owners accountable as well, so that he this didn't, well, I don't have to pick that up, somebody else left that there. No, you have a responsibility if you are operating in our community that you need to go out within this reasonable time frame that set in the ordinance and take care of that. If you are not going to do that, then we are going to hold you accountable for it.

Mayor Lane: Thank you, Vice Mayor Phillips.

[Time: 01:20:07]

Vice Mayor Phillips: Thank you, Mayor. Well, you know, I'm not enamored with these either. I'm an old guy. I don't plan on jumping on a bike or a scooter downtown but I know a lot of people do and I know it's very popular and I think staff has gone through a lot of trouble to come up with on, to come up with an ordinance that works for everybody. And that's why, that's why I brought up, let's do this ordinance and come back for a Council review after the tourist season. If it works great, if it doesn't, we can tweak the parts that don't or we can say, hey it was terrible and we'll never do it again, but let's go through this ordinance and see if it works this season. It's better than like last season, when we didn't have anything.

So I would like to make a motion to approve Ordinance Number 4372, but I would like to include prohibiting staging at our Public Arts and also that staff review the ordinance throughout the tourist season and come back to Council at the end of the tourist season, like, May or June.

Mayor Lane: Is that a motion made. I will second that motion but I will ask whether or not we can have a qualifier on that as, as an added instruction, Mr. City Manager, as far as come back and review. It sounds to me that that's part of the explanation anyway.

City Manager Jim Thompson: Mr. Mayor, members of Council, twofold. The first part, I think, adding the prohibition on parking, you know, at the Public Art, that could be added this evening. The second portion was associated with coming back.

I think that's a commitment from my staff that we'll be back in May or June timeframe to review it, but I think parting that season on the ordinance becomes a challenge, unless you want to limit the term of the ordinance and set a specific date for which it would basically lapse. I would suggest you not do that. I would just suggest that it's my commitment to come back to Council in the May/June time frame and do a complete update of what are our successes and maybe where the failures occurred and then if we do find challenges with what we have before us this evening or we find shortcomings, obviously, we'll have a plan to address those that we could share at that time as well.

Vice Mayor Phillips: Well, I will take that part off then. I will hold you to it.

Mayor Lane: With that, I will have a second on that then. There's further conversation. I think Councilwoman Korte.

Councilmember Korte: The third caveat, you placed on that Councilman Phillips, regarding parks, was that already in the ordinance that they cannot be staged at parks? Is that what you had stated?

Vice Mayor Phillips: It was not stage them in front of Public Art.

Councilmember Korte: Art. I thought you said park. Okay.

Mayor Lane: Any further comment on this? Otherwise we then have a motion, a second open this. We are then ready to vote. Those in favor indicate by aye. Those opposed nay. Aye. The motion passes 6-1 with Councilwoman Littlefield opposing. Thank you very much for the input. And thank you for all who participated. That completes the Regular Agenda item. Okay.

#### **PUBLIC COMMENT**

Mayor Lane: The next item is Public Comment, and joined up with petition item. We do have a Public Comment request from Teri Todd and she has delivered to us a petition item that we all, each of the Councilmembers have on our desk here. And so Teri, if you would like to come forward and speak towards your petition.

[Time: 01:25:22]

Teri Todd: Hello again, City Council. Our petition is to continue the use of the outside of the Liberty Stable so we can continue the presence of horses in historic Old Town, and continue stage coach and carriage ride full service in Old Town. To recap, upon receiving an unexpected notice from the tourism department on September 7<sup>th</sup>, to okay elevator our entire business out of the livery stable by the edge of this year, we came to City Council September 11<sup>th</sup> and petitioned the city to continue our



existing contract with the two-years it had left, subsidizing the stage coach rides which allowed us to continue our full-time stage coach and carriage services in Old Town.

Since our last petition, that was requesting continued subsidy from the city for stage coach rides and events. When the citizens learned that the city no longer wanted to subsidize the stage coach, the response was overwhelming. We have had an overwhelming response from the Scottsdale community to keep the stage coach, the horse community and private money has stepped up to sponsor the last stage coach in Scottsdale. We are not asking the city for any money. On September 11<sup>th</sup>, we were deferred to the city manager Jim Thompson. We never a meeting with Jim Thompson. We met with the assistant staff that denied our petition as you received a report. The city manager's report that was prepared by the assistant staff, who also made the denial decision, is just learned this week to be the boss of Karen Churchard, in the Tourism Department who is trying to vacate us. Come on.

There are several statements in the city manager's report that needs to be addressed. You have the corrections to the city manager's report with ten specific numbers that are false, inaccurate statements, misleading and unjust statements that go against our over 30 years of safety protocol and training with our horses. I can go through them. You have my report to you.

The extensive training of our horses before any of them are able to work in Old Town, each of them go through over 100 hours before they meet the outskirts of Old Town. And our safety manual and our safety protocol is nationwide used by several carriage companies for their employees in training horses. Please see number eight, that's my pet peeve. On my list, the city of Scottsdale proposed horse and carriage ordinance, I authored that proposed ordinance in 2007. I didn't even come in front of City Council until 2010, because we are the only carriage company that even existed here. It was never adopted because we are only carriage operator since then who met all the requirements and there was no one for us to regulate with. If we are forced out of business, if our business is forced out of Old Town, this ordinance still needs to be in play to keep the city of Scottsdale safe.

The tourism department to allow, quote, anyone to operate invites uninsured people with no experience, no liability insurance, and untrained horses that ultimately hold the city responsible.

Mayor Lane: Teri, I'm afraid your time has expired but I do appreciate the fact that you have given us over the petition that we have in front of us and have looked at ourselves.

Teri Todd: All right. Where is the love? Bring the love, the most western town, last horse, guys. Come on.

Mayor Lane: Thank you, Teri. Thank you Ms. Todd. All right.

## **CITIZEN PETITIONS**

[Time: 01:29:23]

Mayor Lane: That petition is before us. It has been spoken toward by Ms. Todd right now. Are there any comments or any course of action that might be a, a motion might be made. In this case, we can either take no action, ask the city manager to review it and report back to us, or to take, if we are the city manager, to take action and a different approach for this. The lack of any actionable item is an indication of no action. So that's where it stands.

**MAYOR AND COUNCIL**

Mayor Lane: The last item on our agenda before our, we move to Boards and Commissions is Mayor and Council items. And I understand Councilwoman Korte, do you have an item that you wanted to speak toward?

[Time: 01:30:28]

Councilmember Korte: Thank you, Mayor. I would like to agendize, for a future City Council agenda, a discussion and possible action to cease further studied regarding alternative locations for the Desert Edge. I would also like discussion and possible action to cease further studies regarding the business plan for the Desert Edge, to release the two, to release the slices of bed tax funds that have been reserved for Desert Edge and finally put the Desert Edge to bed for further agenda. Thank you.

Mayor Lane: A motion has been made to do as was outlined by Councilwoman Korte.

Councilmember Littlefield: Second.

Mayor Lane: And has been seconded, I think by Councilman Smith. Any further comment on that? Hearing none, then we are ready to vote. All those in favor, please indicate by aye. Those opposed with a nay. It's unanimous then, 7-0. We will follow that to agendize it for future consideration and to agendize it I think at the next available time. I don't know that that was said, but that's what it would be. So it's to agendize it. It's not to vote on it right now at this moment. All right that covers that item. Mayor and Council item. Thank you, Councilwoman Korte.

**ITEM 36 - BOARDS, COMMISSIONS, AND TASK FORCE NOMINATIONS (NOTE: INTERVIEWS AND APPOINTMENTS SCHEDULED FOR NOVEMBER 26, 2018)**

Mayor Lane: And that finishes our Regular Meeting items and we will now move to Boards and Commission and Task Force nominations and for that purpose, I turn it over to the Vice Mayor Phillips. Vice Mayor?

[Time: 01:32:25]

Vice Mayor Phillips: Thank you, Mayor. This evening, the City Council will be nominating Scottsdale residents interested in serving on citizen advisory Boards and Commissions. The five Boards and Commissions with current vacancies include the following: Building Advisory Board of Appeals,

Environmental Quality Advisory Board, Historic Preservation Commission, Loss Trust Fund Board, and the Neighborhood Advisory Commission.

The Scottsdale City Council is responsible for establishing City policies and enacting laws in support of those policies. The Council relies on volunteer, citizen-based Boards and Commissions to research issues and make recommendations in support of the Council's mission and goals. The information and recommendations provided by Council-appointed advisory boards is a valuable tool in helping Councilmembers in their deliberations. Individuals nominated will be interviewed at a Special City Council meeting on Monday, November 26th, with appointments following each set of interviews. So getting started.

#### **BUILDING ADVISORY BOARD OF APPEALS**

[Time: 01:33:22]

Vice Mayor Phillips: The first the Building Advisory Board of Appeals. There's one opening but we have no applications on file. We will move on to the next board.

#### **ENVIRONMENTAL QUALITY ADVISORY BOARD**

[Time: 01:33:31]

Vice Mayor Phillips: Next board is Environmental Quality Advisory Board. There is one opening. The Environmental Quality Advisory Board provides guidance on the prioritization of future environmental activities and recommends environmental policies to the City Council. **SPECIAL QUALIFICATIONS**, as specified in the Scottsdale City Code, the membership of the Board shall reflect both scientific and non-scientific interests. Alisa McMahon's term expires on December 3, 2018, and is not eligible for reappointment. There is one vacancy and three applicants. You can see on the board. I will entertain nominations for the Environmental Quality Advisory Board, starting with Councilmember Smith.

Councilman Smith: Walter Cuculic.

Councilmember Korte: Adam Wasserman.

Mayor Lane: Ryan Johnson.

Vice Mayor Phillips: Okay. So we have all three nominated.

#### **HISTORIC PRESERVATION COMMISSION**

[Time: 01:34:28]

Vice Mayor Phillips: Moving on to the Historic Preservation Commission, there's two openings, an

architect and historian. The Historic Preservation Commission oversees the development and management of Scottsdale's Historic Preservation Program. SPECIAL QUALIFICATIONS, as outlined in the Scottsdale City Code, each member shall have demonstrated special interest, knowledge, or experience in at least one of the following: Building construction, history, architectural history, real estate, historic preservation law or other historic preservation related field. Cindy Lee's term expires on December 1. She is eligible for reappointment, but did not submit an application for consideration. John Southard's term also expires on December 1. He is not eligible. There are two vacancies and two applicants. You can see on the board.

Councilwoman Klapp: Melissa Fedock and Peter Hosmer.

Vice Mayor Phillips: Okay. So they are both nominated, correct?

#### LOSS TRUST FUND BOARD

[Time: 01:35:27]

Vice Mayor Phillips: Moving on to the Loss Trust Fund Board, there are two openings. The Loss Trust Fund Board is responsible for recommendations to the City Council regarding the administration of the loss trust fund. We currently have no applications on file for the Board. So we will move on.

#### NEIGHBORHOOD ADVISORY COMMISSION

[Time: 01:35:44]

Vice Mayor Phillips: Next the Neighborhood Advisory Commission, there's one opening. The Neighborhood Advisory Commission advises and makes recommendations to the City Council on policies, plans, strategies and programs for the preservation, improvement and revitalization of Scottsdale's housing and neighborhoods. William Lichtsinn's term expires on December 3. He is eligible for reappointment but did not submit an application. There is one vacancy and five applicants. You see up there on the board. We will start with Councilwoman Milhaven.

Councilmember Milhaven: Ross Cromarty.

Councilmember Littlefield: Cherie Roy.

Vice Mayor Phillips: I have no further.

Councilman Smith: None further.

Councilmember Korte: None further.

Mayor Lane: Jonathan Budwig.

Councilwoman Klapp: Dominic Bilotti.

Vice Mayor Phillips: Okay. So we have four nominations. This concludes our nomination process this evening. City staff will contact those who were nominated and provide them with additional information about the interview process. I would like to take this opportunity to sincerely thank all who applied to serve on a citizen advisory board or commission. Even if you were not nominated, your application will remain on file for one year for consideration at a future date, if there are additional vacancies. Thank you. And I turn the meeting back to the Mayor.

Mayor Lane: Thank you, Vice Mayor. We thank you to those who applied and we will be seeing them again soon. That completes our business for our Regular Meeting, and for the Boards and Commissions nomination process.

**ADJOURNMENT**

[Time: 01:37:18]

Mayor Lane: I would ask for a motion to adjourn.

Councilwoman Klapp: Move to adjourn.

Councilmember Korte: Second.

Mayor Lane: The motion has been made and seconded. All of those in favor of adjournment, please indicate by aye. We are adjourned. Thank you very much.