

---

This document was created from the closed caption transcript of the July 2, 2019 City Council Regular Meeting and has not been checked for completeness or accuracy of content.

A copy of the agenda for this meeting, including a summary of the action taken on each agenda item, is available online at:

<https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Council/current-agendas-minutes/2019-agendas/07-02-19-regular-agenda.pdf>

An unedited digital video recording of the meeting, which can be used in conjunction with the transcript, is available online at:

<http://www.Scottsdaleaz.gov/Scottsdale-video-network/Council-video-archives/2019-archives>

For ease of reference, included throughout the transcript are bracketed "time stamps" [Time: 00:00:00] that correspond to digital video recording time.

For more information about this transcript, please contact the City Clerk's Office at 480-312-2411.

---

#### **CALL TO ORDER**

[Time: 00:00:02]

Mayor Lane: Good evening everyone. It's nice to have you here with us. I would like to call to order or our July 2, 2019, City Council Meeting. It is our Regular Meeting.

#### **ROLL CALL**

[Time: 00:00:12]

Mayor Lane: And we'll start with a roll call, please.

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Linda Milhaven.

Vice Mayor Milhaven: Here.

Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

Carolyn Jagger: Solange Whitehead.

Councilwoman Whitehead: Here.

Carolyn Jagger: City Manager Jim Thompson.

Jim Thompson: Here.

Carolyn Jagger: Acting City Attorney Joe Padilla.

Joe Padilla: 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 and if you would like to speak for Public Comment, those are the white cards that the clerk is holding up over my head to the right. And there are yellow cards for Regular Agenda Items, and you can complete them for this meeting. We have the special police officers here and Jim from the fire department. If you have any other services, please consult with them. The facilities for your use are over here on my left under the exit sign. If you are having difficulty hearing any of the proceedings, we have headsets that are available at the clerk's desk. Contact one of the folks at that table and they will be able to provide you with one.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:50]

Mayor Lane: We have the great honor of having Kira Peters and the library staff here to lead us in the pledge. They also have their mobile book bike and I'm sure they will have something to say about that. If you would, please?

Library Staff: 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.

Library Director Kira Peters: So, good evening members of the Council and the public and we wanted to come this evening and show off the new Scottsdale Public Library book bike. The Scottsdale Public Library is going to have this on the green belt and into the community. We are trying to get out of the brick and mortar and out into the community. The wagon top comes off and we are going to have books that the public can check out as we ride this bike throughout the community. Thank you for allowing us to come tonight and share with you.

Mayor Lane: Thank you to all of the staff. Are you going to ride that up the ramp? Oh, man. I will say, just park it there.

#### **INVOCATION**

[Time: 00:03:35]

Mayor Lane: In place of an invocation for tonight's meeting, I would like to ask everybody to take a moment of silence and think about the sacrifice of the Hot Shots and giving their lives for the flash fires in Arizona, some six years ago, I believe it is now. And give some thought of what that sacrifice meant to them and certainly, to their loved ones. Thank you.

There's no separate Mayor's Report or presentations or updates this evening.

#### **PUBLIC COMMENT**

[Time: 00:04:24]

Mayor Lane: The next order of business is our Public Comment. Public Comments are reserved for citizen's comments for non-agendized items. The speakers are limited to three minutes each with a maximum of five speakers. There is an opportunity for further Public Comment at the end of the meeting if there is a request and a need. We have four requests to speak. I'm going to start with Sam West. Mr. West, welcome.

[Time: 00:05:15]

Sam West: Thank you, Mayor, Councilmembers. My name is Sam West. I have been a resident of Scottsdale for 30 plus years. It has been a long that I have been here. I'm here tonight to talk about scooters. I'm going to start with the picture that you see on the screen of the swimming pool. I'm going to say to you that swimming pool is a, golly, I practiced this whole thing. Is an attractive nuisance. We build fences around swimming pools and there are laws that we have to have fences around them to keep people from being hurt. These are an attractive nuisance also.

It is the drive behind me being here tonight is a couple of weeks ago, I'm at the intersection of Chaparral and Scottsdale Road. Making a left-hand turn to go east on Chaparral and two young people on scooters trying to go east. He already started and I'm in the middle of my left-hand turn with the light and I don't know how, but she starts to fall. And she is falling towards the street. Only by the grace of God, she caught herself and didn't fall because if she had fell, I would have ran over her. How do you ever go to a parent and apologize for that? I have had a couple experiences and what I'm going to say on a national basis, the numbers of head injuries to kids from these things is up dramatically the past three years. They are motorized vehicles and these particular ones here are parked on private property. I'm wondering what if there is an accident on private property with one of these?

I'm here to ask you to consider these things are dangerous. When you take a 12-year-old and put his 8-year-old brother on the back of it and the traffic that we have in Scottsdale, it is only a matter of time that someone is going to hit. I'm saying to you; you have a responsibility to deal with this problem to make sure that it doesn't happen. You have taken all of the action that you can, otherwise, as far as I'm concerned, you are a party to the problem. Thank you for your time and have a good evening.

Mayor Lane: Thank you, Mr. West. Next is David Ortega.

[Time: 00:08:25]

David Ortega: Hello Mayor and Council. Thank you for your service. I'm sure you are looking forward to your summer break wherever you may go. The chaos caused by that Maverick Mural. It is eight times larger than the largest signs in Tempe and it is a political billboard. It has caused problems with multiple calls to the police. It has become a nuisance. So, what is wrong with that picture? Everything is wrong with that picture. In fact, it is what should not be done in Scottsdale. It's really not the Scottsdale way.

And I want to be constructive and I have been, I have sent and had communication with Councilmember Phillips back on the 10th of February. You will see the email forwarded to you on that subject. It has to do with establishing some sort of mural policy. How big? Where? If there is a zero lot line, etc.? Because that's been the root of the problem. I know that Councilmember Korte voted for it a couple of times and believes in that content, but it is an aggravation to many people and a danger to the people and the prospects. What I want to mention to you today, so please look at that email. I'm asking that we get a handle on what happens in Scottsdale under four different conditions.

Every time a DR comes through the door, they are making a contract with the DR board. They have breached those agreements. They went out the next day, rented equipment, and the rest is history. What you have is a DR board contract, which originally was in 2016 allowing one color. They came back last year making many misrepresentations and breached the understanding that was made at DR. So, on December 20th, they breached that contract. That's called bad faith. Any time there is a contract and bad faith on one party, that essentially voids the contract. The DR board decision didn't need to be appealed. Yes, appeals stopped them from bragging about having DR approval and shaking it in the officer's face and saying they can trespass. I'm going to ask just on the grounds of bad faith, the action taken from the DR Board be, it can be done unilaterally. Thank you very much.

Mayor Lane: Thank you, Mr. Ortega. Next is French Thompson.

[Time: 00:12:05]

French Thompson: Good afternoon, Mayor Lane, City Council. My name is French Thompson and I have been a resident of Scottsdale for over 30 years and worked in Scottsdale for over 40 years. I have come here many times and talked to the public. It just seems to be adversarial and I know there is a bond coming up and it is generating mistrust with a lot of people in the City. My neighbors ask me what is going on there? What are they doing in the background? I just want to say that trust is your friend. I really don't want you to lose the trust of the citizens, but I do feel many, many times when I come up here, it is an adversarial position.

If I'm already here and already a citizen, why would you guys side on some out-of-state corporation that wants to come in and do stuff when I'm already here and doing business? Why should I have to be fighting to keep things working in a way that is good? I'm not against progress. And I will just say, I'm not against the Museum Square, in general. But if it comes in and has a negative impact, which I foresee it having a very negative impact, why would they want to do that to our city? The things that can be done with that project can destroy downtown for many generations. You guys should be up front and protecting us and making sure that the developers that come in here do really good things and we shouldn't have to come in here and say stuff is going to be bad. You should be already taking care of it. City staff should be taking care of it. I don't understand why it is happening.

There is stuff going on in the back rooms and we find out. Now, we find out that it has been going on in the back room for two years. And now, we have to come to City Council. And all of this money going to that entity and that stuff. The \$3 million sale is not a sale. You have allocated money to the museum and the theater. You are giving this stuff away before it is even a sale. So, we, as merchants are asking for something too. We would like a parking structure in the arts district. So, thank you for your time.

Mayor Lane: Thank you, Mr. Thompson. Next is Scott Jarson.

[Time: 00:15:18]

Scott Jarson: Thank you, Mayor and Council. My comments tonight and I'm here to speak about an agenda item that is possible to be removed. With your permission, I will hold my comments until after the Regular Agenda Items. Your choice, sir.

Mayor Lane: I'm sorry. Normally, we don't have correspondence back-and-forth. It is a Regular Agenda Item?

Scott Jarson: I can hold my comments if it is until after.

Mayor Lane: If it is a Regular Agenda Item?

Scott Jarson: Correct.

Mayor Lane: Okay, very good.

Scott Jarson: Thank you.

Mayor Lane: That completes the public testimony for right now.

**ADDED ITEMS**

[Time: 00:16:15]

Mayor Lane: And we have an added item. Council report for No. 1 was added to the agenda ten days prior to the meeting and will require a separate vote to add it to the agenda. Now, if there are any questions that is in that report and vote to accept the agenda as presented or continue the Item to the August 27, 2019, Council meeting.

Councilmember Korte: Mayor, I move to accept the agenda as presented.

Mayor Lane: Motion is made by Councilmember Korte and seconded by Councilwoman Whitehead. That Item we will be voting on, please? Councilwoman Littlefield, are you going to vote? Okay. So, that's unanimously accepted to be on the agenda as presented.

### **CONSENT AGENDA**

[Time: 00:17:31]

Mayor Lane: So, we have Consent Items 1 through 9. Item No. 2 was removed at the request of staff and no testimony will be taken. That's Consent Item No. 2. That's a Unit G-101 Purchase and Sale Agreement. That's been removed by staff. Yes, Mr. Thompson?

City Manager Jim Thompson: Just for clarification, we have removing because we have discovered additional information and we are investigating the matter further. At this time, we don't have a date certain or that we will even bring it back to Council for your consideration.

Mayor Lane: Thank you. We have Consent Items 1 through 9 with the exception of No. 2.

Councilmember Korte: I would like to move to accept Consent Items 1 through 9, with the exception of No. 2.

Mayor Lane: All ready to vote. It is unanimous for those Consent Items with the exception of No. 2, which has been removed. If you are here for those items, you are welcome to stay or just remove quietly if you could.

### **REGULAR AGENDA**

#### **ITEM 10 – THE MAVERICK MURAL**

[Time: 00:19:27]

Mayor Lane: On Regular Agenda Item No. 10, The Maverick Mural, this has been withdrawn with the request of the applicant, so that's no longer on the Regular Agenda, as well. That actually completes all of our items of business on this.

### **PUBLIC COMMENT**

[Time: 00:19:50]

Mayor Lane: And now, we can come back to Public Comment again. Same directions as was indicated before. It is three minutes and limited to five. It is for issues within the jurisdiction of the City Council. And no action would be taken on these items. We are going to start with Scott Jarson.

[Time: 00:20:15]

Scott Jarson: Thank you, Mr. Mayor and Councilmembers. My name is Scott Jarson and my wife, and I own the property located at 307 North Marshall Way. I know that we have a western heritage here in Scottsdale, but that sort of purchase is certainly putting the cart before the horse. Well in advance of any approval of the Museum Square application, the City clearly demonstrates a bias in favor of a development that has yet to be approved or even completed the necessary and proper procedures to come to you for approval.

A purchase like that is a \$3 million wager to approve the Museum Square application well in advance of any public meetings. If Museum Square does not get approved and a purchase of a condominium gets approved, then the City is left with a \$3 million condominium that it doesn't need and nothing to show for it, except for HOA fees. The purchasers in the downtown core, where I work, would rather see this money spent on public safety and even better, local parking improvements, which would be greatly applauded. I appreciate the opportunity and thank you for allowing my comments.

Mayor Lane: Thank you, Mr. Jarson. Next is Louise Lamb.

[Time: 00:22:21]

Louise Lamb: Mayor, City Council, Louise Lamb. Everyone is talking about the scooters and it seems that everyone wants the City to do something about it, but my question is what happened to parent responsibility? I think it is becoming extinct. Thank you.

#### **ADJOURNMENT**

[Time: 00:23:01]

Mayor Lane: Thank you, Mrs. Lamb. That completes the public testimony that has been submitted. We have no petitions or Council items. That would complete our business and therefore, I thank everyone for being here and for your testimony and ask for a motion to adjourn.

Councilmember Korte: Move to adjourn.

Mayor Lane: With that motion, and happy 4th of July everybody, we are adjourned.