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CALL TO ORDER

[Time: 00:00:01]

Mayor Ortega: I call the January 19th, 2021, City Council regular meeting to order. City clerk, City Clerk Carolyn Jagger, please conduct the roll call.

ROLL CALL

[Time: 00:00:12]

City Clerk Carolyn Jagger: Thank you, Mayor. Mayor David Ortega.

Mayor Ortega: Present.

City Clerk Carolyn Jagger: Vice Mayor Solange Whitehead.

Vice Mayor Whitehead: Here.

City Clerk Carolyn Jagger: Councilmembers Tammy Caputi.
Councilwoman Caputi: Here.

City Clerk Carolyn Jagger: Tom Durham.

Councilmember Durham: Here.

City Clerk Carolyn Jagger: Betty Janik.

Councilwoman Janik: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilmember Milhaven: Here.

City Clerk Carolyn Jagger: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Carolyn Jagger: City Attorney Sherry Scott.

City Clerk Sherry Scott: Here.

City Clerk Carolyn Jagger: Acting City Treasurer Judy Doyle.

Acting City Treasurer Judy Doyle: Here.

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Carolyn Jagger: And the Clerk is present.

[Time: 00:01:03]

Mayor Ortega: Well, great. I would like to make a note of a few things as we conduct our City Council meeting virtually. Make sure you are in a quiet space with no or minimal background noise. Each time you speak, announce your name to identify yourself to listeners and say thank you to denote that you are done speaking. Please mute yourself, it's in the lower left-hand corner of the Zoom window when you are not speaking. Be sure to unmute when you begin speaking. Please allow some time delay as slides are loaded to the screen. I will ask each councilmember individually for questions or comments. After each councilmember has had the chance to speak once, if you have additional questions or comments, please use the raise hand option on your Zoom screen and management associate Shane

Stone will notify me so I can call on you. So let's lead off with the city manager's report.

City Manager Jim Thompson: Thank you, Mayor, members of the council. I have nothing to report this evening.

PUBLIC COMMENT

[Time: 00:02:47]

Mayor Ortega: Thank you very much. Moving on, we will begin public comment. Public comment is reserved for citizens to comment on non-agendized items that are within the City Council's jurisdiction. No official council action can be taken on these items, and five speakers are limited to three minutes each to address the council. Begin by stating your name and address for the record and then proceed with your comment. When you have one minute remaining, you will hear an alert tone. When your time is up, you will hear a second alert tone, at which time you must conclude your remarks. Staff will mute you once again and you may either stay in the meeting to listen or leave by hanging up the phone. Citizens remotely attending council meetings shall observe the same rules of order and decorum as if they were physically in attendance inside city hall. And with that, I would like to turn it over to staff for public comment.

Management Associate Shane Stone: Thanks, Mayor Ortega, this is Shane Stone. We have two members of the public on the line. The first is Valeri Marsh. Ms. Marsh, I will go ahead and allow you to speak. Please hit star six and begin your comment.

Valeri Marsh: Thank you, Shane. Good evening. My name is Valeri Marsh. My address is 7678 East Sutton Drive. I would like to respectfully offer some perspective on the 4g/5g problem as it relates to Scottsdale's COVID-19 problem. Many of you tell me that the COVID problem is what's delaying the cell towers in our neighborhoods. You stated your goal is to protect your constituents from contracting and spreading COVID. Therefore, two points must be considered.

First, data indicates that a healthy immune system is the reason over 99% of those contracting the virus fully recover. Are you aware that pulse modulated microwave radiation significantly affects the human immune system. I showed just one effect of the post modulated microwave radiation on red blood cells. When you look at it, you will quickly see for yourself a photo of how just 45 minutes of exposure causes red blood cells to clump together in what is called loaf formation, inhibiting circulation and the body's ability to deliver life-giving oxygen to cells. Furthermore, frequencies or combinations of frequencies approaching 60 gigahertz, something called resonance occurs with the oxygen molecule which changes the molecule's charge and interferes with oxygen's ability to bind to hemoglobin. As you are likely aware even on ventilators patients are dying from COVID with symptoms of oxygen starvation. This effect on blood is only one reason immune function is impaired from high E.M.F. exposure.

The second reason is less complicated. E.M.F. reduces the body's production of melatonin. Melatonin is not only the most powerful antioxidant known to man but it's responsible for healthy sleep. Disruptive sleep is one of the most common effects of cell tower radiation and it's been established that sleep is

critical for recovery from illness. By allowing 4g/5g facilities to permeate the unprecedented levels of microwave radiation, you are defeating the very goal that you set out to achieve in protecting constituents from COVID-19. Over 99.99% of people who contract COVID-19 recover, however, the DNA damage incurred from cell towers does not recover. It not only harms us, but our children and sperm and eggs which will affect generations to come.

So please vote immediately for a special session where experts and citizens who have literally thousands of hours into studying Arizona's unique 4g/5g issue to turn down the power as well as, three simple ordinances comprised of more than 1,000 words that can solve the problem. Thank you so much.

Management Associate Shane Stone: And our next non-agendized public comment is from Mr. Lyons. Mr. Lyons, please hit star six and begin your comment.

[Time: 00:07:45]

Leon Lyons: Hi. Yes, my name is Lee Lyons and I live at 2828 North 71st Place. I'm here to speak about small wireless telecom facilities and the impact it's having on residential neighborhoods. Now these facilities are like little factories which should be in commercial areas only away from residences. Why? Factories take raw materials to create a product, but in the process, these spew toxic waste into the air. Sure, you can't see, hear, taste or smell it, but our cells are being bombarded 24/7. Microwave radiation is presently at toxic amounts on our streets, our homes and our children's schools. Now, these facilities don't belong in residential neighborhoods. It's the city's duty and authority to create protective zoning ordinances, and the towers are huge, ugly. They take up to 28 cubic feet and they are in front of homes. Surveys are showing they reduce our property values by 20 to 30%! Ouch! And Scottsdale facts, which is needed to bolster our economy is that 20, 30%?

These are towers are being built in our neighborhoods against our will. Where is the notification or the consent? They are destroying the quiet, enjoyment of our streets. What about your constituents do they want these facilities in anywhere neighborhoods? And I believe it's your duty to protect us, isn't it? You do realize that up to 10% of the population are highly sensitive to this bombardment of E.M.F. and according to the A.D.A., they should have combinations of one half mile radius-free the radiation. Can they sue the city over these violations? You realize that these facilities are mining your personal data, and selling it to third parties and the power being emitted currently is not monitored by the city. How do you know if they are even within guidelines? Please, think about this. If it only takes .002 watts of power to provide cell phone coverage, and there's no laws granting them the right to go beyond that, per clause and text, where are power outputs being measured in Arizona bedrooms.

We have over 1 million times the necessary power. Why are we using such exorbitant amounts of power? It's our stated goal in the Scottsdale general plan, sustainability and currently, the submissions on public record for real solutions from the moratorium on new facilities which is allowed during national emergencies, to superior fiber optics which safer, faster, and more secure, turning down the power and our kids' schools changing from 28 cubic feet down to about 4 inches. Or simply burying the cables like other cities which enhances home values. You have been presented solutions on public record. Why has nothing been done about this? Thank you for your time.

Management Associate Shane Stone: Mayor Ortega and members of council, this concludes the non-agendized public comment this evening. Thank you.

ADDED ITEMS

[TIME: 00:11:03]

Mayor Ortega: Thank you, and with that, I close public comment. Well, moving on to the added item, that is number 11a, which was added to the agenda on January 14th, 2021, and requires a separate vote to remain on the agenda. I request a motion and a second to accept the agenda as presented, or to continue the added item to the next scheduled council meeting, which is February 2nd, 2021.

Vice Mayor Whitehead: Mayor?

Mayor Ortega: Yes?

Vice Mayor Whitehead: This is Vice Mayor Whitehead. I would make a motion that we accept the motion as presented.

Councilmember Milhaven: Councilmember Milhaven, I will second that motion.

Mayor Ortega: Thank you. I see no indication for discussion. So I will ask the city clerk to conduct the roll call vote and announce the results.

City Clerk Carolyn Jagger: Thank you, Mayor. Mayor Ortega.

Mayor Ortega: Aye.

City Clerk Carolyn Jagger: Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Caputi.

Councilwoman Caputi: Yes.

City Clerk Carolyn Jagger: Councilmember Durham.

Councilmember Durham: Yes.

City Clerk Carolyn Jagger: Councilwoman Janik.

Councilwoman Janik: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield?

Councilwoman Littlefield: Yes.

Clerk Jagger: And Councilwoman Milhaven.

Councilmember Milhaven: Yes.

Clerk Jagger: Motion passes unanimously, thank you.

CONSENT AGENDA

[Time: 00:12:42]

Mayor Ortega: Well, thank you very much. And next we have our consent agenda items 1 through 11a. And we did receive one request to speak on consent agenda item one. So I will turn it over to staff.

Management Associate Shane Stone: Thank you, Mayor, members of council. We have one member of the public. Mr. Bagnara, you may hit star six and begin your comment. This is Shane. If -- you are now unmuted on our end. If you hit star six on your phone, you should be able to speak.

Frank Di Bagnara: I'm here.

Management Associate Shane Stone: There you go. We can hear you now.

Frank Di Bugnara: Oh, terrific. Thank you. Yes, sorry for the delay. I think I hit star six prematurely. I'm Franklin Bagnara and thank you for the opportunity to speak at on double tree ranch road unit 60 here in Scottsdale. Please refer to the page just under the title page in why you ever handout, which will be the focus of my presentation. They are asked to approve not just the metal tree that will mine its own business behind the restaurant but rather radiation that will also envelope residences, including my rental condos over in Rancho Antigua. That's not just dramatic artwork I made up but a scale that appears often on the web. And it's 500 meters from cell towers we see dangerous radiation. Now, what these drawings usually lack, though, is what exact radiation levels exist at these distances. But I took my best shot at it from some of the studies out there and despite the lack of definitive information from the cell companies.

Now, using power flux density is the unit of measure. I concluded that adverse effects on humans and animals start at 10 microwatts per square centimeter and that it is this level that occurs within the 300-meter or so range from the tower. And accordingly, I believe that the field strength that the closest condo mediums in Rancho Antigua, which are only about 120 meters away will be surely hazardous to the health of the residents and that the whole complex and the one across Mountainview Road will not fare much better. Now, I suppose I have to concede that the FCC allows up to 1,000 microwatts per square centimeter and in the rules that as I read it, the cell site decisions are premised on environmental effects are preempted as long as the provider complies with the FCC rules, whatever they are. I didn't, I

have some challenge in asking for denial of this permit, but please indulge me -- as Mr. Murphy to deliver a contour map showing the radiating antenna on the mono palm and the resulting field strengths and make it public record and then would your legal department, Ms. Scott please examine FCC 3327 and determine if in your professional if the cell companies have federal empowerment to set up this radiation solely because they offer the city a picture book of the tower and claim to be in compliance. And lastly as the other speakers have said, please watch out for the 5g rollout, but that's a battle for another day and for another three minutes. Thank you so much for your attention. It's an honor.

And congratulations to the new Mayor and the other newly installed officials. Again, I'm Frank Bagnara and I welcome your questions now or later and I believe Mr. Moriarti has my contact information. Thank you so much.

Management Associate Shane Stone: Mayor members of council, that concludes our public comment on the consent agenda items. Thank you.

Mayor Ortega: Thank you. And public comment is now closed. : On the consent items. Firstly, I will ask the City Councilmembers one by one if they have a comment or a question on any consent items. As I call your name, if you do not have a comment, then just say no comment. So regarding the consent items, vice Mayor Whitehead?

Vice Mayor Whitehead: I will just say that I will follow up with -- with city attorney Sherry Scott and make sure that we have some kind of confirmation that these providers are following whatever guidelines the FCC requires. Thank you for the public comment and that's all I have.

Mayor Ortega: Well, thank you. Councilwoman Caputi?

Councilwoman Caputi: No comment.

Mayor Ortega: Councilmember Durham.

Councilmember Durham: No comment.

Mayor Ortega: Councilwoman Janik?

Councilwoman Janik: I have some concerns about the 5g wireless network that's being installed, and I believe we need to do a little bit more review of it and I will appreciate, again some little opinion from Ms. Scott on this. Thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilwoman Littlefield: Yes, Mayor, I do have a question, and it's just a question or comment on item number 9. Which is the budget appropriation transfers for drainage master plan studies. As I read through this, it looked to me like the \$50,000 was given to us by the developers for the construction, not for the study. And I'm wondering did we not have any money budgeted in our accounts for doing the

study as opposed to using the money that the contractors gave us to construct the project to get us out of the floodplain? Thank you.

Mayor Ortega: Thank you Councilwoman Littlefield. Let me refer this to staff.

Planning and Development Services Director Randy Grant: Mayor Ortega, this is Randy Grant. I believe that actually Ashley Couch may be able to answer that. Ashley, are you available?

Digital Media Designer Brian Hancock: Ashley, you are unmuted if you want to go ahead. This is Brian. On your phone. Your phone might be muted on your device.

Drainage/Flood Control Program Manager Ashley Couch: Okay. Can you hear me now?

Digital Media Designer Brian Hancock: Yep.

Drainage/Flood Control Program Manager Ashley Couch: Sorry about that. This is Ashley Couch, I'm the drainage and flood control program manager for the city of Scottsdale. Councilwoman Littlefield, I consulted with Eric Anderson in the city attorney's office regarding the allowable uses of stormwater usage and new fees and this is allowable use according to what is in the ordinance. The -- these fees are indeed paid by developers when they qualify for a stormwater storage waiver, and there is a privilege fee associated with obtaining a stormwater storage waiver and then those fees are not limited in their use, and so upon consultation with the city attorney's office, having about \$500,000 in fund 408, we decided -- I consulted with management and we decided that that was an appropriate funding source to assist with the desert mountain area drainage master study and the east Shea corridor area drainage master study. These are conducted by Maricopa County and in partnership with the city of Scottsdale, the studies themselves are funded entirely by the flood control district. However, due to limited staff resources, we're at this time in need of hiring an engineering consulting firm, mainly J2 engineering and environmental to assist me with managing those projects and so they will be reviewing the work products that are delivered to the flood control district and the city of Scottsdale by the flood control districts' consultant. And since I don't have time to do a thorough review of the work products, we have decided to go this route to hire j2 who has an on-call stormwater consulting with the city to do the review of the work products performed by the consultants working for the flood control district. I hope that answers your question. If I can be of further assistance, please let me know.

Councilwoman Littlefield: Okay. Thank you. I just was reading this through and it said that this money was for the construction of infrastructure, not the had the planning for it. And so it seems like we are spending \$50,000 of construction money given to us by developers, but we haven't constructed anything. So I just wanted to make sure that that was okay and legal. Thank you.

Mayor Ortega: Very good. I will now ask Councilmember Milhaven, do you have any question or comment?

Councilmember Milhaven: No, thank you, Your Honor.

Mayor Ortega: Well, thank you. I also have noted the comments made by council, but I have no additional question. Therefore, do we have a motion for the consent agenda items 1 through 11a?

Councilwoman Caputi: Mayor Ortega, I will make a motion to approve consent agenda items number 1 through 11a.

Councilwoman Janik: This is Councilwoman Betty Janik and I second that motion.

Mayor Ortega: Very good. I do not see any additional discussion. Therefore, I will ask the city clerk to conduct the roll call vote and announce the results.

City Clerk Carolyn Jagger: Thank you, Your Honor. I think someone may not have muted their microphone. So just a reminder about that. And I will do the roll call vote. Mayor Ortega?

Mayor Ortega: Yes.

City Clerk Carolyn Jagger: Vice Mayor Whitehead?

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Caputi?

Councilwoman Caputi: Yes.

Clerk Jagger: Councilmember Durham?

Councilmember Durham: Yes.

City Clerk Carolyn Jagger: Councilwoman Janik.

Councilwoman Janik: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: And Councilmember Milhaven.

Councilmember Milhaven: Yes.

City Clerk Carolyn Jagger: Motion passes unanimously, thank you very much.

ITEM 12 – SHAW BUTTE ABANDONMENT (11-AB-2019)

[Time: 00:25:01]

Mayor Ortega: Very good. Moving on to our regular agenda items, items 12 through 14, and starting with item 12, the Shaw Butte Abandonment Case 11-AB-2019. Would the presenter please proceed?

Planner Katie Posler: Thank you. Good evening Mayor and councilmembers, my name is Katie Posler, and I'm here to present 11-AB-2019, the Shaw Butte abandonment. The staff placed this case on the regular agenda because during the associated land division case, we received neighbor opposition and support of the proposed street alignment. The site has been surrounded by other medium to large-sized single family lots with paved access. Next please.

Here's the closer look at the property. The student site has been home to a main residence and accessory buildings since the 1970s. Next please. This was in Scottsdale in 1975 and the r13 zoning was applied. It's large enough to be divided. Next, please. The plan is to adopt resolution number 12030 to abandon 13 feet of the GLO easement along the northern boundary and 8 feet of the GLO easement along the eastern boundary and 33 feet of the GLO easement along the southern boundary for a property with single family residential zoning.

Next, there's three easements on the property. 33-foot GLO is along the northern boundary, a 33-foot GLO on the eastern and the 33-foot GLO along the southern boundary they were granted in 1955 until a local circulation plan was established. The easements are currently unimproved. The applicant is requesting to approve the existing GLO easements as shown in these areas are deemed unnecessary because they are wider than the required street width by the transportation department along with the property owner to abandon these areas would remove unnecessary roadway incumbered parcel. Next, please.

Be it a land division, abandonment, the applicant is dedicated to have fee sim will right dedications to replace the GLO easements located along north 106th Street to the north and East Paradise Drive a new street alignment along the south. This is required by the transportation department to provide access and frontage for the lot west of the site with the star on it because that lot only has access to public streets via easements on neighboring properties. The applicant is required to dedicate 20 feet and a right-of-way leaving a 13-foot GLO and they are required to dedicate 25 feet of right-of-way along north 106th street leaving 8 feet of GLO easement. There's no requirements along the southern boundary and that would be a 33-foot GLO to be abandonment. The utility extensions along 106th street and east paradise drive have been approved by the DRB through the preliminary plat case. Next, please.

Some key points for this abandonment case are it conforms to transportation planning. The abandonment removes unnecessary roadway easement. The associated, which is 11-PP-2019 with street dedication was approved by the DRB on December 3rd. The Planning Commission heard this on December 9th and recommended approval with a 5-2 vote. We had neighborhood support in alignment which provided legal access and street frontage for the western neighbor. And the utility companies have no conflict or services in the abandonment area. Next please.

The action requested today and staff's recommendation is to adopt resolution number 12030 to

abandon 13 feet of the GLO easement along the northern boundary, 8-foot of the GLO easement along the eastern boundary and 33 feet of the GLO easement along the southern boundary for a property at 10535 East Cactus Road. Just to recap, the GLO area is a proposed abandonment area, which is deemed unnecessary roadway. Next please, that concludes staff's presentation and staff and the applicant are here to answer questions. Thank you.

Mayor Ortega: Thank you very much. Well, I see that there is one public comment on item 12. So I will turn it over to staff for the public comment.

Management Associate Shane Stone: Thank you, Mayor Ortega and members of council. We have -- as the Mayor said, we have one member of the public for comment on this item. Mr. Friedman, I have unmuted you on our end. Please hit star six and begin your comment.

Seth Friedman: Hi, Shane, can you hear me okay?

Management Associate Shane Stone: Yes, thank you.

Seth Friedman: Thank you. Mayor Ortega and members the council, my name is Seth Friedman, I live at 10525 East Cactus Road which is the neighbor directly not west and I was calling in support of this motion, and thanking staff for helping the developer make sure that our property was not forgotten in this alignment and abandonment of the resolution. So that was the extent of why I was calling in tonight. I'm happy to take any questions if anybody has any.

Management Associate Shane Stone: Thank you, and Mayor and members of council that concludes public comment on this item. Thank you.

Seth Friedman: Thank you very much.

Mayor Ortega: And I will therefore close public comment. Well, I will ask the City Councilmembers one by one if they have any comment or a question and Vice Mayor Whitehead?

Vice Mayor Whitehead: Thank you, Mayor. I want to thank Mr. Friedman for speaking and I do want to talk about some of the opposition for the 106th Street alignment that needs to go in. I think we resolved a good part of that this morning. I want to thank Tom Weber who represents the developer, as well as some residents who came to me and spoke at the DR meeting. If you look at one of the slides -- I don't know which one, but Katie did present a slide where the new road, 106th will head north from rural and that is a road alignment, the trees that grew there didn't know that. And so there are a number of beautiful, mature trees, one in particular an ironwood that is quite old and cacti and such. What the applicant has agreed to do through the -- and staff has concurred is to put a little bend in the road and that bend will give us the opportunity to save many of the really mature trees while the smaller trees and the cacti will be relocated on the right-of-way. So I think there's a lot -- [Garbled audio] I commend staff and the applicant for that and so I support the project.

Mayor Ortega: Next, Councilmember Durham, do you have a question or a comment?

[Time: 00:32:53]

Councilmember Durham: [Garbled audio] And then come left?

Planner Katie Posler: Mayor Ortega, Councilmember Durham, that's correct. They run from Laurel Lane north and they will head west along East Paradise Drive.

Councilmember Durham: Okay. And there will be a cul-de-sac at the end of Paradise Drive; is that correct?

Planner Katie Posler: That is correct.

Councilmember Durham: [Garbled audio] Right?

Planner Katie Posler: Correct. The road dedication is shared between four property owners. The physical improvements are approved as part of the plat phase are in the easements and the city right-of-way.

Councilmember Durham: So the entire cul-de-sac, as you are showing it there, with easements.

Planner Katie Posler: The blue is the future way of the cul-de-sac. The applicant is required to make a smaller cul-de-sac easement area. And we will speak to the future of those items because they are smaller because of the rights that we will have.

Councilmember Durham: Okay. That's all I had. Thank you.

Mayor Ortega: Thank you. Councilwoman Janik?

Councilwoman Janik: I have no questions.

Mayor Ortega: Thank you. Councilwoman Littlefield?

Councilwoman Littlefield: I have no questions. Thank you.

Mayor Ortega: Councilmember Milhaven.

Councilmember Milhaven: I have no comments or questions. Thank you.

Mayor Ortega: Councilwoman Caputi.

Councilwoman Caputi: I have no questions, thank you.

Mayor Ortega: Well, thank you. And I have no questions. Just one comment that as we encounter

these GLO abandonments, of course, we are only abandoning the city's interest in those semi-historic pieces and as you saw and heard, the utilities serving the area have signed off, meaning that their interests are -- [Inaudible] -- will handle the city's interest. So at this point, I will ask the City Councilmembers one by one. Well, we have already done that. Do we have a motion for the regular agenda item number 12?

Vice Mayor Whitehead: Mayor, I make a motion to approve item 12, Shaw Butte abandonment 11-AB-2019.

Mayor Ortega: And was that councilwoman --

Vice Mayor Whitehead: Vice Mayor Whitehead, sorry. Councilwoman Whitehead.

Councilmember Milhaven: I will second it.

Mayor Ortega: Very good. We have a motion and a second. I will ask the city clerk to conduct the roll call and to announce the results.

City Clerk Carolyn Jagger: Thank you, Mayor. Mayor Ortega.

Mayor Ortega: Yes.

City Clerk Carolyn Jagger: Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Caputi.

Councilwoman Caputi: Yes.

City Clerk Carolyn Jagger: Councilmember Durham.

Councilmember Durham: Yes.

City Clerk Carolyn Jagger: Councilwoman Janik.

Councilwoman Janik: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: And Councilmember Milhaven.

Councilmember Milhaven: Yes.

City Clerk Carolyn Jagger: Motion passes unanimously, thank you.

ITEM 13 – BICYCLE AND RELATED DEVICES CODE AMENDMENTS

[Time: 00:37:16]

Mayor Ortega: Thank you. Let's move on to regular agenda item number 13, the bicycle and related devices code amendments. And the presentation by Mark Melnychenko.

Transportation Director Mark Melnychenko: Good evening, Mayor and the City Council, can you hear me?

Mayor Ortega: Yes.

Transportation Director Mark Melnychenko: Thank you for the opportunity to bring the amendment to you. [Garbled audio] I will give you a presentation with some background that has occurred up until today, with e-scooters in Scottsdale.

Just a few points of background. Dockless bike share companies began operating in Scottsdale in the fall of '17. This was followed by scooter operators in May of 2018. In November of 2018, the City Council adopted ordinance 4372, amending the code for bicycles and related devices, including electric bikes and scooters. This was developed by a team of city staff from the city manager's office, city attorney, transportation, police, code enforcement, and citizen service. This team met with device sharing companies as well as our peer cities in the region and throughout this period. City Council then directed the city manager to share a full report followed -- which followed the end of the 2019 tourism season. This report was expanded to include a full 12 months of data, December 18 to December 19, and this is attached in your City Council packet for the agenda item.

Then when COVID-19 started to impact Scottsdale in March of 2020, there were several scooter companies operating. Each company then voluntarily ceased operations in the city. In May, Bird resumed operations in Scottsdale with a small number of devices, 60 to 100 devices, as needed. In November, Spin resumed operations in Scottsdale also with a small number of devices. So in addition to meeting with Bird and Razor, city staff recently met with three other companies that may be interested in launching in Scottsdale. This included discussions about current and proposed regulations. Next slide, please.

As mentioned previously, a data report was prepared by staff that detailed December '18 to December '19, this concludes a full 12 months of data on several key topics. These include items such as bike rack locations in old town, issues and concerns, public feedback and impact to public safety. This report and the information contained in it has influenced the proposed changes brought forward tonight. This report was reviewed at the transportation commission's January 16th, 2020 meeting and has been posted on the city's website since January of 2020. Here on the slide are a number of the key data

points. One very key statistic was the number of scooter-related emergencies responded to by the fire department. That's 138 in -- instances, related emergencies. This is some of the key data as part of that report in your packet. Next slide, please.

The staff team has been evaluating operations and has listened to citizen and business feedback about devices and operations in the city. We have continued to meet with company representatives and coordinated by email or virtually since November 2018. The majority of feedback and concerns relate to the way devices are parked. This slide shown here illustrates some of the common violations for parking these e-scooters. Next slide.

Although ordinance 4372 did not require parking devices in bicycle racks, city staff have continued to encourage this to mitigate parking issues in other locations. To provide some perspective with old town, there's currently 553 racks containing 2,000 bike parking spaces in the old town area. The data is provided to companies and has been posted on the city's website since January 2020. Next please.

The data report summarizes the emergency situations shown on the map. During the 12-month period, the Scottsdale fire department responded to 138 scooter-related emergency calls. These incidents account for half a percent of all E.M.S. calls Scottsdale during that time. The majority of scooter incidents occurred in old town and other parts of south Scottsdale as a high percentage occurred late night, early morning from 11 p.m. to 6 a.m. This slide outlines the safety zone and the pattern of the incidents. You can see safety zone boundaries are Camelback Road, Osborn, 68th street and Miller road. Next slide, please.

The following are the recommendations from city staff to adopt ordinance 8846 for the Scottsdale revised code that include updates to conform with state law and that's the name and definition of devices changed to electric scooter from stand-up electric mini scooter. In addition, a new definition for electric mini scooter was added. So this is kind of a verbiage formality. Secondly, prohibit riding by scooters, bicycles and similar devices on sidewalks within the city's transportation safety zone as outlined on the previous slide. For reference, the safety boundary on 68th Street, Camelback, Miller and Osborne Road. Next, prohibit rental devices between the hours of 11:30 p.m. and 5 a.m. Next is to clarify that devices are to be parked in bicycle racks or designated area. Require parental and guardian permission for those under the age of 16. Allow for the relocation and impoundment fees of \$25 and \$50. There are a number of miscellaneous changes occurring in 17-91, 17-93, through 17-97. And 17-99 to the Scottsdale revised code. Relating to bicycles and related devices including electric bikes and scooters.

In addition, adopt ordinance number 4488, amending sections 20-31, 20-117, and 20-132 of charter 20 parks, recreation and cultural affairs, regulating the use of electric bikes, electric scooters and similar devices.

Lastly, provide the recommendation -- the recommendation was to provide possible direction on whether to conduct additional public outreach on a device sharing licensing ordinance and schedule for possible adoption by City Council at a later date. Next slide, please.

The guidance in parks and multiuse paths has not changes. It's recommended that that this will be updated when designs and modifications to the civic center plaza funded through the bond 2019 are completed. City staff will enforce and the ordinance within its current budget and personnel the police department will remain responsible for enforcing aspects of the ordinances that involve device operation, such as speeding or riding under the influence. Our, the ordinance allowed the city manager to authorize our city departments to enforce ordinance sections relating to illegally parked or inoperable devices. Next slide, please.

Lastly, staff have prepare a draft shared mobility device provider licensing ordinance. If directed staff will further develop this, and return to City Council for adoption and develop the license application. This slide shows the proposed fees the city would require under the license. The -- the license would require insurance, and education plan, data sharing, et cetera. The e-scooter implementation is evaluating and updating the program, as well as communication with companies our neighboring cities and the public. Lastly staff is continuing to develop an updated comprehensive sign package for our multiuse path network and interim solutions on some of our existing path signage. The transportation and streets department will continue to monitor the program and take additional action or make additional recommendations to City Council as needed. Next slide, please.

As staff recommends the adoption of ordinance numbers 4486 and 4488 as the multidisciplinary committee believes that the proposed changes provide the best balance between a free market and necessary regulation of health, safety and welfare. In addition, staff is requesting direction on all potential licensing ordinance. With that, this ends my presentation.

Mayor Ortega: Thank you very much, Director Melnychenko. I see one request for public comment. So I will turn it over to staff.

Management Associate Shane Stone: Thank you, Mayor Ortega, and members of council. Mayor as you said, we have one member of the public that has submitted to provide public comment on this item. Mr. Roth, please hit star six to unmute and begin your comment.

[Time: 00:51:22]

Morgan Roth: Good evening, can you hear me?

Management Associate Shane Stone: Yes, we can.

Mayor Ortega: Yes.

Morgan Roth: Good evening Mayor Ortega and City Council. Thank you for the opportunity to provide public comment tonight. My name is Morgan Roth and I'm on bird's government partnership team here in Arizona. We are very excited to work with the city and the council on approving the program and appreciate the work and thoroughness put in by city staff in their report and ordinance revision. We have a great relationship with staff, and we will continue to work toward building a stronger program that helps the city's mobility goals and also ensuring that the expectations of the city are met.

While we understand and agree with many of the proposed regulatory changes, one such change where we wish to work with the city are the parking requirements recommended by citywide implementation. Our concern is that the area of old town where there's currently around 500 parking locations where we could locate vehicles, the infrastructure to support this new parking requirement is not yet available for a citywide rollout. This will dramatically reduce the permeability of micro mobility in Scottsdale, undercutting the goals of the program. Our goal is to serve all Scottsdale's residents and unless there are parking racks and bike must bees, it will sequester just to the downtown area. As we provided rides for healthcare workers and reduces trip fares for those who qualify. This will drastically reduce the micro mobility to residents and less limit those who rely on our vehicles to get around the city during this difficult time.

Our request is simple that infrastructure should be in place before the parking policy rolls out. With that, we request council do a phased in approach to this parking regime where in the areas that currently have sufficient parking established, the new parking requirements come into effect. But elsewhere in the city in central and north Scottsdale and areas outside of old town this policy should only come into effect when the parking is in place there. Could be a dramatic impact on ridership many neighborhoods will be limited in their micro mobility devices. Also in the tough climate for businesses reducing our availability will harm the recovery of small businesses where folks rely on our vehicles to get to and from corridors.

We are committed to working with staff to ensure that our data is lieutenant his today help inform those new parking locations in the new areas throughout the city. Thank you and we hope that council will move to slightly amend the parking requirement so as to provide a robust program for the entirety of the city and its residents. I'm happy to stay on and answer any questions that council may have. Thank you.

Management Associate Shane Stone: Mayor and members of council, this concludes public comment on this item. Thank you.

Mayor Ortega: Thank you. The commentator can stay online, in case a member of council may direct a question but this time, I will ask the City Councilmembers one by one, if they have any comment or question about the presentation you know, basically directed to staff. I begin with Vice Mayor Whitehead.

[Time: 00:54:36]

Vice Mayor Whitehead: I have quite a few comments and I appreciate the public comment we just heard because I had not caught that. Is this ordinance affecting only rental equipment? That's a question for staff.

Transportation Director Mark Melnychenko: Mayor, vice Mayor Whitehead, at present time this includes only the rental equipment.

Vice Mayor Whitehead: Okay. Thank you. I think that needs to be made very, very clear. With that in

mind, I still have some amendments that I would like to see in order to support this new ordinance under analysis and assessment, there's prohibit riding scooters and bicycles on sidewalks. A item of changes there. I would like to see the word "electric" inserted there. I lived in this town before we were a bike-friendly city and the laugh thing I want is kids in the street. We are having enough problems. Insert the word "electric" because that seems to be what you were implying throughout the presentation.

Then as far as the sidewalks go, that's very big area and I think that what I prefer to see is that staff identify specific sidewalks that are problems and not over legislate here. There's common sense. If you are riding a bike and there's someone on the sidewalk, you will probably get off. So I would say, for instance, sidewalk -- sidewalks along Main Street next to the galleries would be a segment that should be identified, but if we just take this huge swath of downtown, we are hurting small businesses and our tourism. I see families with small children, and mom and dad going to ice cream, to our local businesses and they are on the sidewalks and they are not anywhere near the galleries, for instance. So I think that the burden of removing a bike from the sidewalk should be we should identify the segments where we are having problems.

I definitely like the hours. I think the problems we are having are late at night, but I would recommend a change there too. It's listed as 11:30 p.m. to 5 a.m. Anybody who has lived in this desert and exercises knows that 5 a.m. is almost too late to start sometimes getting your exercise because the sun has already been up since 4:30 in the summer. So I wonder if we can change that from 11:30 p.m. to 4:30 a.m.

And then the Civic Center Mall. In the kids can't play there, I'm not sure where they can play. I don't like that prohibition. I would like to see maybe some restrictions but not a prohibition.

And finally, I absolutely agree that we should require parking in bike racks, but it should be based on the availability of bike racks so some type of language where it says there are bike racks and you can list an area, but where that infrastructure does not yet exist, then they -- the equipment should be parked in a manner that it does not block a sidewalk or some other way of encouraging good behavior. So I think those are all of my comments. Thank you.

Management Assistant Shane Stone: Mayor Ortega and Vice Mayor Whitehead, sorry for interjecting, deputy city attorney has his hand raised.

[Time: 00:58:27]

Deputy City Attorney Luis Santaella: Mayor and Councilwoman Whitehead and members of the council, I just want to clarify something. The parking requirements do apply to personally owned devices. The time frame only applies to rental devices. Just wanted to clarify that point. And all the other items in the ordinance do apply to personal devices.

Vice Mayor Whitehead: Thank you for that clarification. I would like this to apply -- I think we are overregulating, you know, a 10-year-old kid who is on a bike and that's not what our P.D. needs.

That's not what we need. Can we -- can this be written to apply to rental equipment -- to the rental equipment since that's the problem we are trying to resolve?

Deputy City Attorney Luis Santaella: Councilwoman Whitehead, a lot of these requirements have to apply to both. We can't totally discriminate. So, for example, most of these regulations are neutral, and make sense. So I think that what we're hearing is basically right now in the transportation safety zone, which is a large area the people have to dismount their bikes, but in the rest of the city, you can ride your bikes. The current parking situation allows exactly what you are talking about right now, actually, technically all bicycles are banned from the Civic Center Mall. That's nothing new. If you are suggesting that bicycles should be allowed on Civic Center Mall, that's something that the city could do but we need to change the ordinance. The ordinance was only adding in these additional types of devices that weren't banned. So bicycles are currently banned.

Vice Mayor Whitehead: Thank you for that clarification. I will not support this ordinance for banning bicycles in a huge swath of downtown where children are living. As I said, I lived here before this was a bike-friendly city. A lot of people were getting hurt. I know personally that near -- within a couple of miles of my house, someone in a bike lane was killed on a bike and we want our children in particular to be riding. If you are riding on a sidewalk at 5 a.m. or riding on a sidewalk at another time of the day where there aren't any people, you know, I don't think our -- I think our police have better things to do than be pulling over 10-year-olds on bicycles on empty sidewalks. So I absolutely would like to see that removed. If there are specific segments of sidewalks where the local businesses and the galleries come to mind, I feel it's hard on their business or a problem, aisle open to that, but not designated huge swaths of our downtown. I think it's incredibly bad and dangerous for the cyclist community, as well as the cars. The cars, you know -- the cars tell me they worry about seeing kids in bike lanes as well, not to mention adults. That one I'm a stickler on. I would like to see the bikes allowed on the mall. I will see what my colleagues have to say on that.

Let me see what other -- and another critical component then for me is that you insert the word "electric" under item two, prohibit riding where scooters, electric bicycles so we are talking about just electric bicycles. As long as I'm still speaking, another it should be our job to regulate the age. I would hope that that's something that the bicycle -- the rental companies do. I think we are again, overregulating this. It's 16, 15, but thank you. Those are the end of my comments.

Mayor Ortega: Thank you. Councilwoman Janik, comment or question?

[Time: 01:03:07]

Councilwoman Janik: I guess my comment. I think the age needs to be tightened up. I think it's a little bit too expansive. And I think that can be accomplished just by looking at the width of the sidewalks and examining the data a little bit more. I also would direct a study of licensing ordinance. I think that would be very beneficial if we could look into that and consider that. Thank you.

Mayor Ortega: Thank you. Councilwoman Littlefield.

Councilwoman Littlefield: Oops. Sorry about that. I agree with a number of the different comments that were made. I think that electric bikes shouldn't be on the sidewalk. Regular bikes, I don't know so much. I think this needs to be tweaked again. I'm not real happy or comfortable with bikes on the Civic Center Mall, just because we have so many shows and activities normally when we are not in COVID, that happen there where people are sitting on the grass and they have kids and puppies running around. I'm not unhappy with electric bikes or bikes in general not being there. That's something I'm open to negotiation on. I think this needs a little more tweaking and it's -- it's a little bit general for my taste. I think there's some areas of our downtown that could have the bikes and then there's some areas that shouldn't have the bikes on the sidewalks. So thank you.

Mayor Ortega: Thank you. Councilmember Milhaven.

[Time: 01:05:01]

Councilmember Milhaven: Thank you, Mayor. You know, this is a tough one in terms of bikes and -- electric bikes on sidewalk because we have also heard from lots of citizens about being -- almost being knocked over by bicycles on the sidewalks. So I think I sort of come down on I don't think we should allow the electric devices if we can do this -- allow the electric devices on the sidewalks. I think it will be tough to parse it down to a smaller area but I think if we say electric versus nonelectric and leave it perhaps that might be agreeable to my colleagues. I'm certainly agreeable to vice Mayor Whitehead's change to electric. I'm okay with 4:30 in the morning. And then from what I understand, what she wanted for the bike racks was already in there.

Could staff respond to -- and maybe you have already done this and I apologize. Could staff respond to the comment about the gentleman made about the bike racks outside of the downtown and the required infrastructure?

Transportation Director Mark Melnychenko: Yes, Mayor and Councilmember Milhaven. The -- I think what the representative from bird was talking about is that within the designated transportation safety zone, there are -- as we have outlined over 500 areas that have over 2,000 spaces of bike racks. Those are readily available and I think what he is suggesting is when you get outside of that area, there's not infrastructure in place if you are going to areas to the north or to the south of that designated area, that allows people to actually put them in bicycle racks or other designated areas. So he's suggesting that -- that there will be -- that there should be areas maybe outlining through verbiage that they should be outside of the sidewalk areas and to designate them ready for pickup. So I believe that -- hopefully that adds some clarification.

Councilmember Milhaven: And would your -- understanding now, thank you, what he's suggesting, what's your recommendation? Or what are your thoughts about the viability of that as an option?

Transportation Director Mark Melnychenko: I think that somewhat occurs right now. If you looked at the diagram, most of the use -- probably if you look at 90 to 95% of the electric scooter use is in and around the safety zone. There are other areas if you, you know go up to McCormick ranch or some other areas, adjacent to the safety zone, I think that occurs right now. So I think that is something that

could definitely be worked out in the ordinance.

Councilmember Milhaven: I would like to see if that was possible. Thank you. That's the last of my comments. Thank you.

Mayor Ortega: Very good. Councilwoman Caputi.

[Time: 01:08:23]

Councilwoman Caputi: Wow! This conversation is way more interesting than I was picturing. I agree with a lot of the things that Vice Mayor Whitehead brought up. I think we do need to distinguish between electric bicycles and devices versus nonelectric. As a mom with young kids, I hadn't even thought about, of course the kids will ride on the sidewalks and not the bike lanes. I think we need to be really clear distinguishing between an electric device that will be dangerous to people, versus just riding your bike on the sidewalk.

I do think that this was a great way of taking lots of community input over this last year or so. And having staff coming up with an idea to balance free enterprise versus regulation. It is a balance, and we need to be careful to not over legislate -- we always want to get right in the middle. I like that you identified the high density area. We can focus on where that needs to be. It feels funny to be commenting about this usage in a post -- you know in a COVID situation, where a year ago, this was all the rage, right? We were hearing from residents about, oh, my gosh, the scooters and the bicycles everywhere and people are leaving them and it's an eye sore and it's dangerous. And in the last year, of course, this is barely even been a blip. So it feels a little awkward to even be talking about it in this -- at this stage.

But I also agree with Vice Mayor's comments about hours. As an early morning exerciser, yep, great. Let's make it a little bit earlier. I agree with the parking comment. It doesn't really make much sense to have a requirement in places where there is no parking available. And then in terms of the licensing, yeah, I would love to have a conversation about that. It looked like a lot of other cities are requires licensing agreements and ensuring agreements and fees and it seems to me that that's low-lying fruit if others are doing it successfully, we should be taking advantage of that revenue stream if it's an option. So in conclusion, maybe this needs a little more tweaking. It's close, but, yeah, I think some of the comments that my colleagues have brought up should probably be incorporated to make it a little bit better and more responsive. So those are my comments. Thank you.

Mayor Ortega: Councilmember Durham, comments or questions?

[Time: 01:11:11]

Councilmember Durham: Yes, I had a number of comments and questions. In the safety zone, if I were to live inside the safety zone and I have children that are learning to ride -- I'm not talking about rental bicycles, but I have young children learning to ride, would they be prohibited from the sidewalk?

Transportation Director Mark Melnychenko: Mayor and councilman Durham, I -- you know, I think from a common sense perspective, and maybe there needs to be specific clarification, but those types of things would be allowed. I think as transportation staff, we are trying to push forward a really viable active transportation system. And so I think we are trying to balance common sense with safety, and these are some of the things that have been discussed this evening that need to be tweaked in order to really make sense.

Councilmember Durham: I noticed there were 246 citations for scooters, I think. Were most of those for parking violations? Where they were on the sidewalk or something akin to that?

Transportation Director Mark Melnychenko: Mayor and Councilman Durham, that is correct.

Councilmember Durham: Okay. So do we have the ability to track somebody who is throwing their scooter in the middle of the sidewalk I assume from a serial number or something like that, we can trace that if we find scooters in the sidewalk.

Transportation Director Mark Melnychenko: Mayor and Councilman Durham, yes. I believe through the contractor, they are able to monitor -- help monitor those situations.

Councilmember Durham: Okay. On the mall, I'm probably opposed to allowing the bikes on the mall, because I think it is more of a pedestrian atmosphere. Where people are walking and I think it's probably the best mix not to have bicycles on the mall. And one of the things with the definition of electric bikes, the definition includes class one, two and three electric bikes and the definition of electric bicycle. And those can be pretty different because the class two electric bicycle has a maximum speed of only 20 miles an hour, which is, you know, not that much faster than some normal bicycles, and I found myself riding north on the sidewalk along Scottsdale road because right south of camelback, there's no good bike lane there, and so I was on to the sidewalk, which I guess would be a violation of this with an electric bicycle. So I would like to make sure that we do have good pathways for people riding in all areas of the city, and that they wouldn't be you know, stuck with going into a major road when there's no other feasible alternative.

Management Assistant Shane Stone: Mayor Ortega, Councilmember Durham, please excuse my interruption but we do have a hand raised again from deputy city attorney.

Councilmember Durham: Okay.

[Time: 01:15:27]

Deputy City Attorney Luis Santaella Councilmember and Mayor and members of the City Council, just to clarify, the way the parking violation enforcement works is the owner is responsible. So the citation is not actually issued to the person that left it in the landscaping. It's issued to the company. And the way the ordinance is written is the company is notified and to immediately rectify the violation and if they don't, in a timely fashion, then they can get a citation. So they have an opportunity to remove it and correct the violation.

And in terms of electric bikes, the only type of electric bike that's prohibited from sidewalks is the class three bicycle, where class one and two are currently allowed on sidewalks.

Councilmember Durham: Okay. Thank you.

Deputy City Attorney Luis Santaella: You're welcome, sir.

Mayor Ortega: Well, thank you, Councilmember Durham. I will add in my thoughts. Now, obviously, the pandemic has given a restart to many things, including -- including this issue. And so the effort that's been put forward so far, I do applaud that, and I believe that when things get back, we have to have these ordinances in place so the -- just generally, I have a few comments.

The purpose of the mall is pedestrian oriented and, you know, we enjoy people getting off their bike and walking their bike if they are passing through. And maybe check things out, and if they arrive, there's parking, something artistic in front of the library, or at the fringes of the civic mall, because that is a very viable way of getting around and enjoying the mall by biking there. So I'm not against having a bike expressway or short cut when it's -- when we can call upon people to dismount and walk through. The other thing, we have noticed -- I have noticed two people on a scooter -- I think I saw three once. There's very little margin for error. I think it's our responsibility, of course, to look at the bike plan and other improvements in our downtown which is part of the transportation purpose now.

Of the three items that are action requested, I'm just curious, item number three is direction on possible licensing ordinance. I just wanted to perhaps I'm misinterpreting but perhaps that's directing staff to look at the ordinance that way. But what I'm thinking is that because they have shown the cluster of activity, and the, let's say dangerous spots which are actually high activity areas for pedestrians and the like. I just wonder if this question about licensing ordinance could evolve or involve geography, one of the comments was you are passing a city-wide ordinance, but there's not the infrastructure set up in certain areas. Perhaps we can simplify that by saying if this license were issued, as it showed a licensing fee structure, that it would be from, I know Shea south, or -- in other words by handling it by geography, just almost perhaps that's the way taxi drivers used to do it, you know, they have certain licenses and certain geography. So the license would not be extended for the full city anyway, because they don't expect, you know to have such a low density in other areas. So if you could just kind of respond to that idea of whether or not geography, for instance, south of the Shea could -- could be kind of separated as a -- a licensing bit that acknowledges, you know, where we have the infrastructure. And then as it grows, the infrastructure grows, why then we could move it in whichever direction it has to move. Any comment on that?

Transportation Director Mark Melnychenko: Mayor Ortega, I was wondering if legal counsel could provide some guidance on that.

City Attorney Sherry Scott: Mayor Ortega, this is Sherry Scott. I will let Luis, who has worked on this item answer that question.

Deputy City Attorney Luis Santaella: Mayor and members of the City Council, this is Luis Santaella

again. We do under the valet license license specific areas so presumably we could require a license in -- to operate in certain areas of the city. So I think it's doable. We would have to do some legal research to be absolutely certain, but I would say tentatively we could require a license to operate in the downtown, for example, and not the rest of the city.

Mayor Ortega: Very good. Relating to that, I'm hearing all of these concerns and perhaps the small items or tweaking can happen, but I heard the larger concern from a -- you know, a provider or a company saying well, if it doesn't work for the whole city, then delay it or don't enact it, and I believe that it -- it -- that's a partial understanding of what was said. But I believe that because the infrastructure is where it really the problem exists, right, safety and parking and fee structure, and this is a viable form of commerce and it's -- and it can and has to be managed by us, you know, with your -- with your great advice as well.

So we have before us the three questions and I want to add that whether there's points where a geography or area could massage the questions whether it's in ordinance 4486, 4488, or the licensing ordinance. I think it's important that we move -- we move forward. It may not be tonight. There may be a continuance, but I believe that you have heard a lot of comments. So at this point regarding -- did I see any other hands for commentary? We comment in a motion. So at this point, do we have a motion for a regular agenda item 13?

Management Assistant Shane Stone: Mayor Ortega, this is Shane. I do see a hand raised from Vice Mayor Whitehead.

Mayor Ortega: Thank you. Proceed Vice Mayor.

Vice Mayor Whitehead: Thank you, Mayor. I guess I wanted to -- I guess I was unclear, are you asking that the licensing be in distinct areas? And I wonder if that -- how that impacts the business that he was providing the service to healthcare workers. I just would like more information on proposal.

Mayor Ortega: Thank you, Vice Mayor. As we discuss the particulars of the ordinances and the different modes, then, you know, my point is that, yes, perhaps some geography licensing could be entered into that through some legal input. So that's nothing -- I believe I heard they were going to be researching that, and I personally want to know more if that can be done because I believe that we should enact an ordinance -- and ordinances, but not be stumbling as to whether or not, you know, it's infrastructure or -- so it would be my recommendation that we get more information and probably this be continued. I'm again waiting for a motion to consider and discuss more tonight. Yes or no, or, you know, have a portion of this. If we were to adopt ordinance 4486, and 4488 and leave the other item, and address it separately. So that could be -- you could act on two of the three items if you so choose.

Management Assistant Shane Stone: And Mayor Ortega, pardon another interruption. I see a hand raised from City Manager Thompson.

Mayor Ortega: Thank you. Go ahead, please.

City Manager Jim Thompson: Thank you, Mayor. Mayor, members of the council, if I may at this time, it might be appropriate based on the all the comments that we received, there's a couple of issues. We were directed to get some public input. The conditions, we would like to amend as well. So rather than just adding for the proliferation of what we have for the electronic scooters and the electronic bikes and also bikes at one time that were for lease. I think we should go back and look at all of these items.

My recommendation is to continue or table this to no date certain for staff to go back and revisit all the issues that were brought up this evening and on the regulatory issues, we have us about service and large employers that these devices are utilized and the last bus stop or otherwise. I think what we have done traditionally, when we have not had areas associated with bike racks, we have asked the parties in the community that were leasing to provide some of that infrastructure. And we will address that, and if the concern is for the city to move forward and acquire and so forth, we would need to have those discussions during the budget process.

So I would rather push that maybe in a different direction, and look at the geographic areas but as well as look at the partnerships with the providers and the community so we can at least look at those areas that might be utilized at much higher levels. So, again, I think in short, to -- to table this matter or all three items on the agenda, or probably the two and then ask the staff to come back and further the third item at a future council meeting with no date certain. That would probably be best based on all the comments I'm hearing this evening. Thank you.

Mayor Ortega: Thank you very much, Mr. Thompson. I do concur with that as well. Do we have a motion for the regular agenda item 13?

Vice Mayor Whitehead: Mayor? This is Councilwoman Whitehead, I will -- following the city manager's comments, I will make a motion to continue item 13.

Councilwoman Littlefield: Councilwoman Kathy Littlefield, I will second that.

Mayor Ortega: And I will call that a motion to table, which means that we don't have a date certain as a continuance might have. So it's the same thing. We have a motion and a second. I would ask the city clerk to conduct the roll call vote and announce the results.

City Clerk Carolyn Jagger: Thank you, Mayor. Mayor Ortega.

Mayor Ortega: Yes.

City Clerk Carolyn Jagger: Thank you. Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Caputi.

Councilwoman Caputi: Yes.

City Clerk Carolyn Jagger: Councilmember Durham.

Councilmember Durham: Yes.

City Clerk Carolyn Jagger: Councilwoman Janik.

Councilwoman Janik: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: And Councilmember Milhaven.

Councilmember Milhaven: Yes.

City Clerk Carolyn Jagger: Motion passes unanimously. Thank you.

ITEM 14 – GENERAL PLAN TASK FORCE

[Time: 01:30:13]

Mayor Ortega: Well, thank you very much. Our next regular agenda item is item 14. General Plan Task Force. Our presenter Erin Perreault to make our presentation. Thank you.

Planning and Development Area Director Erin Perreault: Good evening Mayor Ortega and members of the council. This is Erin Perreault, long range planning director for the city and tonight I'm here to present and discuss with you the general plan update, process and procedures and associated timelines with those process and procedures. Next slide, please.

Since it's been quite some time that we have brought a general plan update in front of council to discuss, and to remind the community, I would like to start with this slide of what a general plan is or is not. It does establish a community vision for Scottsdale, and it does establish city policy. As the city manager referenced last week, it really is that 30,000-foot view and look at the city in determining and creating city-wide goals for Scottsdale. It does guide decision making in the public sector with city staff, in the private sector, as well as with boards, commissions and council. It is a legal mandate at the state level, and also at our city charter level. And it does tell us as a community where the generalized types of land uses are, and where they are located in Scottsdale. And when I say general, it gives an idea of residential, commercial, mixed use.

What it doesn't do is it doesn't act as a regulatory document like the zoning ordinance. It does not provide specifics like height for those generalized land uses. It is also not intended to be rigid or static. The state statute allows for an amendment process and also allows each community to decide the criteria for what that amendment process will be. It, of course is in our budget or specific projects and

it's not just the land use map. We actually utilize the full plan. Although the majority of the time what the public does see is a lot of proposed amendments to the general plan that make their way to the City Council agenda. Next slide, please.

In terms of the current general plan update process, we are utilizing as our base plan a plan that was created by a 25 member task force back in 2014. And this is the draft general plan 2035. The reason why we can using that plan and not the 2001 plan is because so much work went into updating the plan that last time around, back in 2014. As you can see, I have outlined a lot of what went into creating the draft plan that we are using today.

Of course, there was 100 community members that came together to focus specifically on the vision statement. That vision statement was then taken out to the public for additional refinement and review. As I mentioned, the 25-member task force was responsible over 32 public meetings in creating the draft plan that we're working with today. And then that plan was taken out after the task force released their draft plan, in a variety of community workshops open houses and meeting with individual citizens and community groups to collect public comments on that plan. What the draft plan did not do is go through the public hearing process at the time, which includes planning commission and City Council. Next slide, please.

The current draft is a large-phased project, so we have gone through the first three phases. But really, the bulk of the work is done in two faded, first the citizen review committee phase, which was just completed in December of 2020, and now we're embarking on the second bulk of the work which is the public outreach to respond to that draft plan. And the public hearing process largely overlaps. Next slide, please.

In terms of the citizen review process that just wrapped up, that process included representatives from 13 boards and commissions that have related general plan content. This is similar to what we used not only in 2001, but also in the 2011 general plan update process and both of those processes were successful in drafting plans and getting those plans sent to the voters in terms of the 13 committee members they were charged with reviewing the draft task force plan from 2014, updating that plan, because it has been six years since that plan has been passed or was passed by the task force and they also update that plan based on what they think, based on their expertise from the board and commission, content that would be beneficial for Scottsdale moving forward, as well as what they were hearing from public comments. They met for two meetings a month. In the final meeting they met for six hours to ensure that they had gone through all 300 comments that they had received during their process.

I will mention this was not an easy year for a committee -- a citizen committee like this to meet during COVID. They met all online, every meeting that they had was online. And they have never met in person as a committee or a group, which is difficult to do. However, they received as I said, approximately 300 comments. The majority of which were received at the very end of their process. And out of respect as I said, they held a six-hour final meeting to make sure that they publicly went through all of their comments. Along the way, they did include many comments in of the draft plan, however, they recognized that they got about 200 of the 300 comments, really at the last minute from

the public. So a number of those they did not take action on, but they did voice that they wanted city staff as we moved forward during the public hearing process to really call out those comments, not only to the public, but to planning commission and City Council in hopes of those comments being considered especially the large ideas like changing rural neighborhoods, for example, that they would be considered because they recognized they had to stay on a timeline and finish up by December 2020 to keep the city on track for a November 2021 ballot. Next slide, please.

So tonight, we're going to talk about three different processes. The first is the minimum state statute requirements for a general plan update. The second is the current process that we are on. And the third is the additional task force being added to the process that we are on. Next slide, please.

The first process that you are looking at on the screen is really the minimum requirements under the state statute. Council is required first to adopt written procedures that -- which basically outline for the community what we're going to do, how we're going to do the outreach, on the updated plan, and what that timeline looks like for the community. So that was approved by council back in June of 2020. And really started the citizen review committee process. In addition, once we have a draft plan created, which we did as of December 2020, a 60-day notification letter is required to go out, not only to the state, to the county, to adjacent jurisdictions that we have and, of course, as well as utilities and school districts. So that letter, based on the plan that we had released from the citizen review committee, went out to announce those jurisdictions that we -- they have 60 days to respond to the draft plan that's out there on the city's website. Per state statute, we are then required to move into a remote planning commission hearing, a regular recommendation hearing by planning commission, a City Council hearing to adopt the plan, and should council choose at that hearing to adopt the plan, council would also have to call an election and place the plan on that ballot. The targeted election is November 2nd, 2021. Next slide, please.

In addition to the minimum requirements, Scottsdale has extensive public outreach in the general plan update process. So what you will see here on this slide is the current process and timeline that we are on. Of course, I mentioned the written procedures. Those have -- that has been completed. So has the citizen review committee and the 60-day letter. What we are now embarking on is the heavy public outreach process which includes going back to the boards and the commissions to get their full input on the draft that the citizen committees have had. Depending on COVID, if not in person, we would hold at least nine of those. And hold them through Zoom, people could sign up on the city's website to attend those and we would collect public comments and those comments, of course would be taken through the process to planning commission and City Council for your consideration. If we do an in-person open house, we always do them in south central and north and I think the Mayor mentioned that last time. At your last meeting. And that is to collect information from as many people as possible, and make it easily accessible for them to attend a meeting in their area of the meeting. In addition to that we typically hold one City Council study session but this year with the new Mayor and new City Councilmembers and recognizing it's been a number of years since we brought an update to council, we not only scheduled one City Council study session to work through the plan with council, but three City Council study sessions. In those study sessions we will go section by section through the plan with council.

We will also go through all of the public comments collected to date and also collected along the way. In addition to doing that with City Council, we do that with the planning commission, recognizing that the plan is a very large document to get through, and it's very difficult to do that in two state required meetings as well. So we do more meeting with Planning Commission as well and we have those scheduled and you can see those on this slide. In addition to that, we would then move into a remote planning commission, recommendation hearing, City Council hearing as required by state statute, and then of course, council would need to decide whether to adopt the plan or not, in too I am to call for the election and make it to the election in November of 2021. So that's the current process and schedule that we are focused on. Next slide, please.

Based on recent council discussion, what it looks like to add a proposed seven member task force to that process is currently on the screen. So again, it starts with the written procedures. That's been done. What we would do is then solicit a community application process for the task force, based on be direction from council, that would also require a City Council meeting to nominate and appoint a task force. So we have some guesstimated timelines to go with that. We would assume that the task force would probably take at least six meetings just to get through all of the content that's in the plan. It could take less. It could take more. And in terms of the task force, they would have to release their draft plan, not only to the community, but possibly do a task force presentation to council. So that would push us into a June or September time frame, we typically don't like to agendize something as large as a general plan update on a July or an August council agenda, just to ensure that we have citizens in town to be able to hear it. So we usually either stop in June or start again in September. So that's why you see that time frame there.

Then we would issue a new 60-day notification letter, based on an adjusted draft plan that the seven member task force would release. We would go through a very similar process again starting with boards and commissions, open houses, study sessions with housing and a planning commission. Similar to what I just described for our current process, but that would put us to the first available election in November of 2022. We don't think that we could make -- make it using a seven member task force to 2021. Next slide, please.

This slide just briefly compares those three types of processes for the council on one slide. And as you can see, the current process and a seven member task force process look very similar in terms of things that we would do for outreach. It's just the seven member task force would add some time on to that schedule. And next slide, please. That concludes my presentation. I'm happy to answer any questions as you consider your options for additional public outreach and/or your option to adopt a seven member task force. Thank you.

Mayor Ortega: Well, thank you very much. I will have just a brief comment and then -- but we will first see if there's public comment on agenda item 14.

Digital Media Designer Brian Hancock: Mayor, this is Brian. We don't have any public comment for item 14.

[Time: 01:46:26]

Mayor Ortega: Thank you very much. Well, I will ask the City Councilmembers one by one, if they have a comment or a question and I will start very briefly myself. To say because I have been through this successful general plan process, and felt the satisfaction of having the public vote to pass it, I know that we as a council will come to that point as well. It's the ultimate point of having a citizen driven vision statement and that is the goal that we are looking for.

My question just to clarify up front with Erin is that I believe -- I saw and followed the process when there were edited or versions of the C.R.C. products. So they, I think appeared in red and green and there were some strikeouts, and -- and then later when they presented their final document or product, why those were taken up. My question is do we have the product that shows out all the knockout process and so that as a council, we can see exactly where they left off?

Planning and Development Area Director Erin Perreault: Mayor Ortega and councilmembers, yes, we have both plans. We have the legislative edit versions of the C.R.C. plan up on the city's website for anyone to look at. And then what we have done is we have just taken those legislative edits out to make a clean version of that statement plan as well. So the edits are in there but they are not color coded. So you have the color-coded version of what they released to the community and the clean version because sometimes it's easy for folks to read it as a clean version and not a color coded version with strike-throughs and different colored text. So we have each of those out for Mayor and council to review and the public to review.

Mayor Ortega: And the other question, of course, is that of the public comment, I believe we had teenagers commenting, public comment from seniors and all ages. And different affinity groups which are also of record. So that was just a brief intro and I will ask City Councilmembers one by one, if you have a comment or a question starting with Vice Mayor Whitehead.

[Time: 01:49:21]

Vice Mayor Whitehead: Thank you. And so I think what we will do is have these discussions in our work study session because I do have a number of comments about this. First of all, I should be very clear, thank you, Erin. Thank you to all the citizens that got us to this point.

So my overarching question is should the -- should the work studies -- when will we have a work study session? It looks like it before it goes to the public. I think that some of my colleagues -- and I feel like there's just some basic changes that should happen before it goes to the public and if that's appropriate. But I like the fact that there are three meetings or nine Zoom meetings, I think. It reminds me of the bonds and that was a very successful way of getting input. I think I'm find other than just wondering if the council will have some modifications prior to it going to public.

Mayor Ortega: Thank you. Councilwoman Littlefield, comment or question on the staff or what's on the agenda?

Councilwoman Littlefield: Thank you, Mayor. I do have some things to say, since it was one of my suggestions that we do a task force. Other than the city charter, the general plan is the most important

document. It's a guiding document. It defines us as a city and gives guidance as to who we are and what we want to be going forward. That is why it's so much more important to do this update right, than it is to do it quickly. Despite what some have claimed, there's no penalty, financial or otherwise for a city taking its time in producing an update in order to get it right. But we just need to be working on it. However, I do not want just to work on it. I want to get it completed and out to our citizens for a vote. I believe all of us on this council want that. To be a plan, it needs to offer guidance and protections for Scottsdale special character and high quality of life. Because of its language, this proposed update as submitted actually weakened those protections almost to the point of nonexistence.

Just to hit on a couple of thoughts, there are two major parts to the general plan that are supposed to offer concrete direction to the city for going forward into the future. The first is the vision statement which is at the very beginning the plan and the second is the matrix which is the major and minor land use change. Both of these have been weakened in this version. Both need to be made crystal clear and strongly defined and importantly, both need to reflect the wishes and the desires of our citizens. Too much of the language in this update is suggestive instead of controlling. And the general plan should be a controlling document as to how we move forward into our future, and what we want to become.

Finally, there's nothing in it that defines what the city's economy will be based upon or how the city government can achieve fiscal sustainability moving forward with this plan. A bad general plan update is worse than no update at all, because it gives an excuse for doing that which is not good for Scottsdale. Although there are parts of new plan that must be there to help us move forward, first sections are too weak to give guidance or assurance to our citizens that their concerns are either being listened to or addressed. That is one of the reasons I suggested a new task force to review what has been done and to move forward with those things that the citizens have told us they want.

I believe this general plan update needs a lot of work before it goes to the ballot box. Scottsdale voters rejected the last also flawed update, put before them in 2012. I predict this update will suffer the same fate if it does not get some massive improvements and I do not want to see that happen and I don't think anyone on the council does either. That is why I suggested a second task force. We need a strong defining general plan with no ambiguities and one that our citizens can support. If this council so desires, I'm fine with the council itself being that second task force, to receive citizen input, review, discuss and modify what the previous task force has done however, I do ask that if we become the task force for this review, that we receive all citizen input directly and in a timely manner. Input should not be filtered or changed in any way before it comes to us, and nothing should be held back or not delivered to us. The statement that this happened before to the previous task force was part of what drove me to request this second task force. We can hold open houses like we did for the bond election with exhibit boards and handouts. We can socially distance and wear masses and we could have cards available for citizens to state their concerns.

Also, we should have links to our website upon which citizens can respond. All citizen input should be delivered intact to all of us and in a timely manner so we have time to read it, ask questions, and respond to them. Everyone on this council promised when running for election to listen to citizens and to protect Scottsdale's special character and high quality of life. Sending a flawed and weak general plan

update to the voters is not in keeping with that commitment and I cannot support this as it stands, page after page. So I do ask that we do this, if the council wants to be the task force, fine, but we need to make sure that we get it right. Thank you.

Mayor Ortega: Thank you. Councilmember Milhaven.

[Time: 01:55:52]

Councilmember Milhaven: I will start off by agreeing with what Councilwoman Littlefield said. It's important to get this right. I agree with the comments that this is an important document. And I'm pleased to see that she's willing to let us take a look at citizen comments.

You know, we all understand that this important and we all understand the urgency that we have heard from citizens about getting it done. I may not agree with some of the substance of what she thinks is flawed. We were elected by the citizens to make our best decisions. So I think that this is exactly what our job is and exactly what we were elected to do. So I will look forward to working with my colleagues to review citizen comments and make changes that we agree will make this plan even stronger. So thank you.

Mayor Ortega: Thank you. Councilwoman Caputi.

Councilwoman Caputi: Agree, agreed, of course. The more citizen input, the better. That's the whole point of the general plan. I have gotten and we all have, comment after comment in the last couple of days from citizens expressing our desire to keep the process moving forward and not get it bogged down in more bureaucracy and more extra task forces. And if we are truly listening to the residents that's at least what I have been reading over and over again in the last couple of days.

I think I disagree that the general plan needs to be a controlling document. That's a strange use of words. I know Erin just explained to us that actually it is really an inspirational document. Of course it needs to spell out preserving the beautifulness and the specialness of our city but it needs to be a living, working, breathing document that can move. I think we do need to keep moving forward, whatever that means. I think the best way to ensure that we have citizen input is that we bring it to a vote in 2021, an off year for elections. I know that proved very successful with the bond elections and people can focus on the task at hand.

As -- in terms of having more citizen input, again, we're still only in the very beginning stages. We are just about to get a great deal more of public input and I think we need to let the process keep going and you know, this kind of draft stands on the shoulders of 20 years of citizen efforts. It's not like we are starting all over again, and this comment about we have to get it right. Of course we have to get it right.

Again we have been working for 20 years soliciting citizen input and we are determined to get it right. I think every time that it seems to get derailed over a couple of sticking points. So as we move forward with this plan, let's make sure that we address the sticking points, right? And again those right, because those seem to be the few areas of contention that keep holding things up. So let's focus our efforts on

moving it forward.

I'm delighted to hear that Councilwoman Littlefield that we should be the task force. I couldn't agree more strongly. We have been elected by the citizens to move this important document forward. I love that idea. We should be the task force and most importantly, we need to show unity as a council. I think that the success of this general plan will hinge upon all of us getting together, agreeing on the process and on the outcome and helping to push it forward to the citizens. In the united front.

So based -- so to conclude, yeah, let's keep moving forward with the process. Let's make sure we get as much citizen input as we possibly can and I'm on board to making sure that the City Council the seven member task force. Thank you.

Mayor Ortega: Thank you very much, Councilmember Durham.

Councilmember Durham: I agree that we are the seven people who are -- I was about to say most qualified, but as I say, it's on our shoulders. We are the ones elected to make these decisions and I think we are the right seven people to go forward with the input mechanism. But I would reiterate what Councilwoman Littlefield has said, which is that there are many changes to this plan which have weakened what we have done over the last years and that weakening of the plan needs to be fixed. There were over 200 comments at the C.R.C. meeting on December 13th which were not accepted and that obviously was the missed opportunity to provide citizen input on the plan. And many of those comments, almost all of them were not accepted.

If we will have a better plan that provides better guidance and protection, I think accepting most of those 200 comments would have been the way to go. And so I think it's important that we start with those comments which were rejected because I think many of them were necessary to come up with a plan that provides the type of guidance and protection that we need. That's my hope that one of the first work study sessions will review the comments that were put forth by the C.R.C. on is December 13th and we can revisit those comments.

Mayor Ortega: Thank you, Councilwoman Janik.

Councilwoman Janik: I agree with what has been said. I think City Council is the best one to versus nonelectric view the comments and come up with a viable general plan that will pass the scrutiny of our voters. I think as Tom said, it's very, very important that we go back and review all the comments. The vast majority were denied. I think to take a look at them with a fresh eye and try to strengthen the document as it currently stands.

The other thing I would recommend is that back in October, there was an alternate language proposed by the C.R.C. for consideration and it was based on the legal review that was done. I would ask that that information be available on the edited plan that we look at. The documentation, the verbiage that was questioned and changed was in a black box and I request that that information be included in the edited version that we begin to review to make it a stronger document. And I think that -- I know that we all want what is best for Scottsdale. I know that we will be agreeing on most of the points and we will have

a unified front when we present this to the citizens, and I feel that all the outreach we are doing will be very, very valuable and informative again to strengthen the plan and make it acceptable to all the citizens. Thank you.

[Time: 02:03:59]

Mayor Ortega: Well, thank you. I will add my comments and I agree that the C.C.C. product, again, of 10 months of work, and input and so forth is incomplete. It's incomplete because it's part of the puzzle. And we are the next step as well as continuous public comment which is really the high value -- it's a cross spectrum of citizens, stakeholders, and all of the wonderful elements of Scottsdale parks and recs, human services, very, very important that we focus with the intensity on it. I want to -- I'm just applauding our council that we -- we're not getting into the granular parts of it tonight. Whether some particular item slipped through or not, but taking that as generally, we are -- we are open and ready for the -- I guess the fire hose of public comment and we will depend on the city manager and, of course, the outstanding outreach planning team to make sure that's very open process.

I thank Councilwoman Littlefield, because we are united in expressing that we are the elected, right. We are the seven -- she said seven task force members. I said that's us. And we are committed. We, in fact, were elected and are elected. It is a great challenge. We are creating a plan and it gives me joy to think that we will get there.

I would very much entertain a motion to -- which would have to do with item 14a and for clarification, if I hear a motion to continue the process with additional and open public comment -- keep it open, excuse me.

Councilwoman Littlefield: Mayor? This is Councilwoman Littlefield, I so move, and do apologize, I don't have a hand on my screen. I do think we should continue this and work on council to make this an option -- a general plan that we can all support. Thank you.

Councilwoman Janik: This Councilwoman Janik and I second that motion.

Mayor Ortega: Thank you very much. I do not see any other waving hands for discussion. We have a motion on the table. A motion of regular agenda item 14. I will ask the city clerk to conduct the roll call vote and announce the results.

City Clerk Carolyn Jagger: Thank you, Your Honor. Mayor Ortega.

Mayor Ortega: Yes.

City Clerk Carolyn Jagger: Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

Mayor Ortega: Councilwoman Caputi.

Councilwoman Caputi: I'm unclear we are agreeing to move the process forward as is, making sure that we include citizen outreach; is that correct?

Mayor Ortega: Absolutely.

Councilwoman Caputi: Then yes.

City Clerk Carolyn Jagger: Councilmember Durham.

Councilmember Durham: Yes.

City Clerk Carolyn Jagger: Councilwoman Janik.

Councilwoman Janik: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: And Councilmember Milhaven.

Councilmember Milhaven: Yes.

City Clerk Carolyn Jagger: Motion passes unanimously. Thank you very much.

Mayor Ortega: Thank you very much. We're moving on to the next item which is Mayor and council items. I am aware that -- well, if we have no Mayor and council items, I will request a motion to adjourn. Do I see any -- I didn't see any posted to date is that correct, Ms. Jagger.

City Clerk Carolyn Jagger: Your Honor, I do not see anybody with a raised hand, but Brian can weigh in on that and you are correct, we need to adjourn the regular meeting and then convene the study session.

Mayor Ortega: Thank you. I adjourn the regular meeting. Does anyone -- why don't we take a three-minute break and then I will begin our work study, and -- let's see. A very, very brief -- at 7:15, I will begin our -- convene our work study session.