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CALL TO ORDER

[Time: 00:00:01]

Mayor Lane: I'd like to call to order the September 13, 2016, city council meeting. We'll start with a roll call, please.

ROLL CALL

[Time: 00:00:10]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Kathy Littlefield.

Vice Mayor Littlefield: Present.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Yes.

City Clerk Carolyn Jagger: Guy Phillips

Councilman Phillips: Here

City Clerk Carolyn Jagger: David Smith

Councilman Smith: Present

City Clerk Carolyn Jagger: Acting City Manager Brian Biesemeyer

Acting City Manager Brian Biesemeyer: Here

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

City Attorney Bruce Washburn: Here

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

City Treasurer Jeff Nichols: Here

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Carolyn Jagger: And the clerk is present.

Mayor Lane: We have some items of business we need to cover. If you'd like to speak on any of the items on the agenda or on the agenda altogether or for public comment, we have the white card the clerk is holding up. If you'd like to give written comments of the same, there are yellow cards and we'll read through the course of the proceedings.

We have Scottsdale police officers Glenn and Cleary here in front of me. If you have any need for their assistance, they're there for that. And the areas behind the council are reserved for the council and for staff, and we have facilities for you under that exit sign over there. And they're for your convenience.

PLEDGE OF ALLEGIANCE

[Time: 00:01:21]

Mayor Lane: We do today this evening have the pleasure of having the Lights On Afterschool group

here run by Kira Peters, parks and recreation manager. They're here to give us the pledge. So if you would move to the microphone, and if you can, please, stand up.

Lights On Afterschool: I pledge allegiance to the flag of the United States of America and to the public for which it stands, one nation, under God, indivisible, with liberty and justice for all.

We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. Thomas Jefferson Declaration of Independence 1776.

Mayor Lane: Very nice. Thank you very much. If you want to turn that microphone around and if one of you individually.

Kira Peters: All right, everyone. With the afterschool program kids they're going to introduce themselves and tell what afterschool program they go to.

Isaac: I'm Isaac. And I go to the afterschool program.

Javier: I'm Javier.

Milo: My name is Milo. I go to the program.

Samantha: My name is Samantha. I go to the afterschool program.

Tina: My name is Tina. Teen afterschool program.

August: My name is August. I go to Hohokam afterschool program.

Hannah: My name is Hannah and I go to Hohokam afterschool program.

Mayor Lane: Very nice. And thank you again.

INVOCATION

[Time: 00:03:58]

Mayor Lane: For our invocation, we have Pastor Joe Gordon from the Scottsdale Bible Church here. Pastor, please.

Scottsdale Bible Church Pastor Joe Gordon: Mayor, Council members, thank you for this opportunity. Let's join our hearts and mind together for a short prayer. Heavenly Father, I want to thank you for our government, particularly for the government in the city of Scottsdale and all its officials and leaders. It's wonderful that we the people have the opportunity to participate in the running of our great city. I'm grateful for the mayor and these council members, and I ask that they be blessed beyond measure much I can only imagine the difficulties they face, and I ask for super natural grace in their work in personal lives. For all of us here today, I ask that we would show the mercy of Christ to those who are

hurting, the righteousness of Christ to those seeking justice, the gentleness of Christ for those who differ in opinion, the wisdom of Christ when confronted with difficulty, and the love of Christ to all of our neighbors who live in Scottsdale. I know your fulfillment of our request would bring us much good, but more importantly, may it bring you much glory. In Christ's lovely name, I pray, amen.

Mayor Lane: Amen. Thank you, Pastor.

PRESENTATIONS

[Time: 00:05:35]

Mayor Lane: Okay. We've got leadoff and a presentation and information update from the Scottsdale Cultural Council. We have our president and C.E.O. of the Scottsdale cultural council Neale Perl. Mr. Perl, welcome.

Scottsdale Arts President & CEO Neale Perl: Good evening, Mayor Lane and City Councilmembers. This is a very exciting time for Scottsdale Arts, and I thank you for this opportunity to provide an update on our progress. Last month, after three decades of service to our city, we changed the name of Scottsdale cultural council to Scottsdale arts. The response has been extremely positive, with our stakeholders and community partners.

This new identity reflects our organization's creativity, unity and synergy. The name Scottsdale Arts is bold and direct and truly represents our mission -- to provide our city's residents and visitors with exceptional art and educational experiences, now and into the future. The rebranding of Scottsdale Arts was a major goal of our strategic plan, and we're grateful to the volunteer marketing professionals who gave their time and expertise to this project. As you can see the campaign includes a redesigned logo in a bright blue palette that creative merges the words "Scottsdale" and "arts" essentially linking them together as one.

To promote our exciting new season, we distributed a hundred thousand copies of our season guide. This striking publication showcases the world-class arts events that you will only find here in Scottsdale. Our websites and social media have also been updated, including the landing page Scottsdalearts.org, which now offers easy access to all of our programming. We have made ticket purchasing simpler and most importantly, added a portal highlighting our education and outreach programs. We have made great progress enhancing and expanding our educational programming for the community, another key goal of our strategic plan and recently hired a new director of education, Natalie Marsh to lead our education staff and maximize our resources and impact.

No doubt you have heard of STEM-focused learning. At Scottsdale Arts, our approach is steam powered. Science, technology, engineering arts and math. Our multidisciplinary programs use the arts to enhance social -- sorry, school curricula, fostering critical thinking, problem solving and creativity. To give you just a few examples of our steam-powered education programs, this Friday, the center will present a matinee theatre performance titled "let's go science." More than 1,300 local elementary school students will learn practical applications of science, such as air pressure, optical illusions, static electricity and more. The experience is both entertaining and educational.

The exhibition future architects in SMOCA's art gallery will feature architectural works created by teenagers in a workshop led by the acclaimed architect who led SMOCA Arizona's own Will Bruder. The nationally acclaimed wolf trap program is celebrating its 30th anniversary season in Arizona. Our wolf trap teaching artists are now working in pre-K classrooms using engineers and arts concepts. As part of our mission to provide high-quality arts experiences to all Scottsdale residents, we offer a variety of programs that serve the disabled community including our annual celebration of arts for children with disabilities, a new production of D tour company theatre that provides performance opportunities for adults with developmental and other disabilities. A new partnership with the Arizona autism charter school as part of our museum outreach program and new preschool art classes for special needs children who are not yet eligible for Kindergarten.

This fall we'll unveil a major temporary activation to draw visitors downtown during the holidays. LOS trumpos will feature ten large and colorful spinning tops designed to inspire people of all ages. This playful interactive installation will open in late November and lead into public arts highly anticipated canal convergence event.

Scottsdale Public Art is continuing its successful partnership with the library. Its last summer exhibition set a new record with 33,000 visitors. Some 100,000 visitors have enjoyed these free public arts exhibitions and workshops since they started in 2013. I particularly wish to acknowledge our colleague library director Kathleen Wade for her support of our partnership and these enriching community programs.

SMoCA's summer exhibitions receive great coverage, including the highly prized cover of the arts section of the Arizona republic. We are always pleased to see this kind of recognition for SMOCA and Scottsdale arts, which reinforces our city's reputation as a place of innovation and excitement for tourists and locals alike. SMOCA has two additional groundbreaking and timely exhibitions opening this fall, along with a full compliment of innovative programs. Push comes to serve, women in power will feature 19 artists whose works address the themes and issues of how we exercise and think about power. Architecture plus art, everything falls into place when it collapses will feature Mexico city based artist and designer Santiago Jorga. His work responds to the complex history of the casa grand monument, an icon of native American culture. SMOCA has been a place of inclusion since its founding that celebrates our diverse community. This fall the museum of present another installment of out at SMOCA that electric the LGBTQ community for a night of fun-filled entertainment and friends and art. We're pleased to partner with the Scottsdale human relations commission, the city of diversity and Echo magazine.

The city's new season is under way with a stellar lineup. One highlight is sure to be the Scottsdale debut of the 85 member Warsaw philharmonic and a place of works by Chopin and Brahms. The opportunity to see and hear this world-class oh street in an 850 seat theatre such as ours would be unprecedented in most cities. Here in Scottsdale, we make it happen.

It's one of the many things that makes our city special and a truly unique cultural destination. Now in its second year of collaboration, we're proud to present the 16th Scottsdale international film festival. Held in our piper's theatre, opening night will feature of the Arizona premiere of "denial." Starring academy award winner Rachel Weisz. It's based on the life of Debra Lipsat who will join us via Skype for an audience Q and A. It's possible due to our digitalist system, one of the recent technology

purchases. This year it discovers France and opens way tribute to the legendary singer Edith Piaf. And if you love French food and who doesn't, you won't want to miss our cooking demo with celebrated chef Jacques Pepin, continue our collaboration with the Civic Center Library issue the discovery series will include lectures, workshops and films at library and throughout our community. Most events are free or priced under \$10.

In closing, our annual Brazilian-day festival will take place at the center this Saturday. It's a vibrant authentic celebration of Brazilian music, dance and culture for people of all ages. I hope you will all join us. Again, I want to thank you for your time this evening and for supporting the arts in Scottsdale and Scottsdale Arts. Thank you.

Mayor Lane: Thank you, Mr. Perl. Okay. Our next order of business is public comment. We do not have any requests for public comment but it's a period of time where we take comment on non-agendized item and they're limited to three minutes for each of five speakers.

ADDED ITEMS

[Time: 00:15:08]

Mayor Lane: We have an added item. There's a consent item 13-A was added to the agenda on September 13 which is outside of our window of normal inclusion on to our agenda. So I would request a vote to accept the agenda as presented or to continue the added items to the October 10, 2016, council meeting.

Councilmember Korte: Mayor, I move to include consent item 13 in today's consent agenda.

Councilwoman Milhaven: Second.

Mayor Lane: Very good. Motion made and seconded by Councilwoman Milhaven. I think we're ahead to vote to accept it as presented. All those in favor indicate by saying aye. It's unanimous.

MINUTES

[Time: 00:15:53]

Mayor Lane: Next item of business, I need a request to approve the regular meeting minutes of August 30, 2016 and August 31, 2016, work study session minutes of August 30, 2016, special meeting minutes of August 31, 2016 and minutes and executive session minutes of August 31, 2016. Unless there's any questions or adds or deletes or otherwise, I would ask for that motion to approve.

Vice Mayor Littlefield: Motion to approve.

Councilman Phillips: Second.

Mayor Lane: Motion has been made by vice mayor and seconded by counselor Phillips. Next order of business is our consent items 1 through 13 A.

City Clerk Carolyn Jagger: Your Honor.

Mayor Lane: I'm sorry, yes. All right. We are ready to vote. Those in favor, please indicate by aye. Those opposed with a nay. The minutes pass unanimously.

CONSENT AGENDA

[Time: 00:16:48]

Mayor Lane: The next order of business is Consent Agenda items 1 through 13-A. I have no cards or requests to speak on it. Unless there's any comments from the council, I would suspect a motion to accept the consent items as indicated.

Councilmember Korte: Mayor, I move to accept consent agenda items 1 through 13-A.

Vice Mayor Littlefield: Second.

Mayor Lane: Motion has been made Councilwoman Korte and seconded by the Vice Mayor. We're ready to vote. All those in favor, please indicate with an aye. Those opposed with a nay. All items on the consent items have been accepted.

ITEM 14 – MODEL AIRCRAFT (DRONES) ORDINANCE

[Time: 00:17:31]

Mayor Lane: Our next item is our regular agenda item. It's a one and only item and that is item 14. It's model aircraft or drones. Mr. Murphy will be giving us a presentation. Mr. Murphy welcome.

Community Services Director Bill Murphy: Good evening, Mayor. Good evening members of the Council. I'm here before you tonight to receive your approval to amend and add new regulations to chapter 20 and chapter 21 of the Scottsdale revises code regarding model aircraft between the city parks and the preserve: During the most recent legislative session, senate bill 1449 was passed. It outlined how a city or county can adopt an ordinance to regulate model aircraft and allow for prohibiting takeoff and landing on public parks, preserves and other areas within a city were available for this use to occur.

On this slide is the current language which is in chapter 20, and I'll read through there. The current language for the parks ordinance article three section 20-31 gas-powered model airplanes and incendiary model rockets are prohibited and we recommend that rockets be prohibited and the current language section 21-12, that gas-powered airplanes and rockets are prohibited in Preserve, we're amending it that model rockets be prohibited and the regulation of the model aircraft is governed by chapter 20 article nine of the Scottsdale revised code. The additions of the article 20 simply put are that you cannot take off or land a model aircraft in the city park or the Preserve where the community services director has prohibited such operations, and the director may prohibit these types of operations but must be available other parks in the area in the city to fly the model aircraft. So this is a listing of prohibited locations which we are putting forth.

The McDowell Sonoran Preserve and Pinnacle Peak and trail head. These were prohibited sites selected over concerns of public safety, welfare of wildlife and preservation of natural air and open space and critical areas of the parks and preserve. The these additional concerns for public safety were equestrian use as permitted and interaction between a model aircraft and horse and rider could be a conflict.

The exceptions to this senate bill prohibit operation does not apply to the city personnel, the city police department, law enforcement officers, fire department, personnel or cities employed in the course of their official duties. It authorizes city inspections for repair or maintenance work or other city-related businesses which are authorized by the director.

The penalties for this change would be a first violation is a petty offense of a \$50 to \$300 fine. A second or subsequent one year is a class two misdemeanor of no less than \$300. So the schedule of the -- what we have taken this through is the Sonoran McDowell Preservation Commission and had their approval. Parks and Recreation Commission, it was approved on September 7 and we're here before you now September 20 to get your concurrence as well.

So what I'm looking for is a recommendation from the council to adopt ordinance number 4276 amending and adding regulations to chapter 20 and chapter 21 of the Scottsdale revised code regarding operations of model aircraft, don'ts, within the city's parks and the McDowell Sonoran Preserve. With that, I'd be happy to take any questions you might have.

[Time: 00:22:08]

Mayor Lane: We have one request to speak on this subject. We certainly have some questions from council. I'll ask for Bill Mar to come forward to speak on the subject.

Bill Mar: Hi. This is the first time I've been to the city council. I've lived here for 20 years so excuse me if I don't know the protocol. First of all, I'm here --

Mayor Lane: I suppose to begin with, if you would, just give us your name and your address and just recognize it's a 3-minute period.

Bill Mar: Okay. I'm Bill Marr. I live at 2992 North Miller Road. I've been a resident of the city of Phoenix -- I mean Scottsdale for 20 years. I'm here on behalf of the Phoenix area drone user group. We have about 1,500 members. And I think of myself as running an afterwork program for engineers. So I am helping all these engineers that are trying to learn how to do this, people that are new to the drone industry. We're the only ones that are doing free work on educating people on how to fly drones safely. And we go beyond just the regular laws that we have. We also tell people for instance this issue that I didn't know about which was the horses. We have an app for that to help people to make sure they stay away from the horses even though it's not on any of the laws. So we look at it beyond what you're doing for just what you could do with the parks.

So I want to first of all thank you for making Scottsdale a drone-friendly town, and you have no idea what a history-making. You will make history, because the drone industry is a brand-new thing.

When was the last time we had a new category of aircraft? So one thing I want to ask is that I feel that everything that you're doing is proper.

The only issue that we have with our members that came up was the fact that you're closing off the entire Preserve, especially on the northern side, where there's open area that is not subject to any type of problems with the wildlife and all that. And we'd like to see if you can somehow open it up maybe like one day a month or whatever. We want to show the hills and use the open space, because we feel that that's a little excessive to close off especially the open area that doesn't have a true impact on the wildlife even though we're staying away from people, and that is the safest place. The FAA is asking us to be very safe and pushing everybody to go to a local street in order to take off isn't really a viable thing. So we're trying to educate telling people how to go about this. We'll find out the places to go. Other than that, we're happy with the law, and we also are helping people to learn how to do it.

Because if you walk into best buy, they're going to tell you well, don't turn this thing on until you get out of our parking lot. This is the end of our education for you. So we take it way beyond that. We teach people how to fly it. I teach people how to pass the exam so they know how to look for places to avoid you flying and have all kinds of technology. So if you have any questions?

Mayor Lane: Unfortunately, we don't have -- it's not interactive on the testimony. But we've taken note of your issue.

Bill Mar: Okay. Thank you.

[Time: 00:25:52]

Mayor Lane: Thank you. Mr. Murphy, if I might just ask, is Mr. Mar, do you understand from his concern, is it restricting the air space or strictly the takeoff and landing from the parking lot?

Community Services Director Bill Murphy: Mayor, and members of the Council. It's really just restricting him taking off and landing in the Preserve. They could take off from outside and go over the Preserve in that air space and that would not be a problem.

Mayor Lane: If I misunderstood, Mr. Maher, I think you had some concern about the air space over it. In any case, okay. So we have some additional questions. Starting with Councilman Phillips.

[Time: 00:26:34]

Councilman Phillips: I don't have any questions. I was going to move to adopt ordinance 4276.

Councilmember Korte: Second.

Mayor Lane: We have plenty on that. Seconded by Councilwoman Korte.

Councilmember Korte: Thank you. I have a question. Go back to the slides regarding exceptions. There we are. I do know that McDowell Sonoran conservancy is looking at using drones for research in our Preserve, identify plant communities and animal tracks and behavior and all those corridors and

migration patterns. Is that -- would that still be allowed under this ordinance?

Community Services Director Bill Murphy: Mayor Lane, members of the Council, Councilwoman Korte. It will still be allowed. We currently have a permit with the conservancy institute on invasive weeds. They're going to utilize a drone to do that research much we would issue them a permit through the director, and they would be able to use that permit as their guide to do that work in the Preserve.

Councilmember Korte: Thank you.

Mayor lane: Thank you, Councilwoman. So that was the first and a second on that. So that is covered. Councilman Smith.

[Time: 00:28:05]

Councilman Smith: Bill, just a question. All this language talks about model airplanes. Is that commonly understood, or is it going to be defined somewhere as a drone? Do drones get a different definition? How do you --

Community Services Director Bill Murphy: Councilmember Smith in the definition article on chapter 20 on this slide, we're going to provide definitions of what the model aircraft will include, and the drones will be identified specific to that.

Councilman Smith: Thank you.

Mayor Lane: Thanks you, Councilman. We have a motion and a second on this item. I think we have no further comments or questions. I think then we're ready to vote. All those in favor indicate by an aye and register your vote. Those opposed with a nay. That item is carried. Thank you very much, Mr. Murphy. Appreciate it.

ITEM 16 – REQUEST TO AGENDIZE A DISCUSSION ON THE CITY’S PREPAREDNESS PLANS FOR DEALING WITH THE ZIKA VIRUS

[Time: 00:29:15]

Mayor Lane: Item 15 is our citizen petition, we have a request to agendize for dealing with the Zika virus. We have a request from Councilman Smith.

Councilman Smith: Thank you, Mayor. This is really a request for staff to make a presentation and then we can have a discussion and possible direction regarding the city's preparedness plans for the Zika virus, including as applicable eliminating standing water from city property or options for reducing mosquitos and mosquito breeding areas and public outreach. And the reason for this, I'm not telling anybody they don't know already just from watching the news, the Zika virus is one of great concern for the country already. I think the latest case are 29 infections in the state of Florida. One infection in Arizona, I believe, although from a person that travels. But the carrier mosquito, I think it's the adis egypti mosquito issue it's prevalent in all of the southern states and covers virtually all of Arizona except for the Grand Canyon. The exposure is certainly there. And I think it behooves us to tell the public

what we're doing to deal with this potential health threat. That's the reason, Mayor.

Mayor Lane: You want to make that motion, then?

Councilman Smith: Yes. It's a motion to agendaize this.

Vice Mayor Littlefield: Second.

Mayor Lane: Seconded by Vice Mayor Littlefield. Councilman Phillips do you have a question or comment?

Councilman Phillips: Well I was going to second it but I also wanted to include that I hope when staff comes back they will also come back with maybe a discussion with the BLM on what possible things the City can do there maybe even including a capital project to alleviate this problem in the future. Not just a one-time let's try to drain it but let's try to solve this problem in the future.

Mayor Lane: We have the motion made and seconded. I think we're ready to vote. Did we give a date on this? And do we want to?

City Clerk Carolyn Jagger: Your Honor, I'm looking at some dates. One of them is the possibility of October 18. That's study session date. If we can leave it open for now, we will pick the soonest best date that we can.

Mayor Lane: Okay. Very good. Okay. Then we're ready to vote. All those in favor say aye and please register your vote. Those opposed with a nay. It's unanimous to accept that for agenda in an upcoming meeting.

ADJOURNMENT

Mayor Lane: Okay. That covers our business for us today. And so I would ask for a motion to adjourn.

Councilman Phillips: Motion to adjourn.

Mayor Lane: Moved and seconded Councilman Phillips and Councilwoman Klapp. All those in favor indicate by aye. We are adjourned. Thank you very much.