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#### **CALL TO ORDER**

[Time: 00:00:03]

Vice Mayor Whitehead: Good evening. It's 5 p.m., and I'm calling the December 1<sup>st</sup>, 2020, regular City Council meeting to order. I'm filling in for Mayor Jim Lane tonight who is still recovering from surgery. City Clerk Carolyn Jagger, can you please conduct the roll call?

#### **ROLL CALL**

[Time: 00:00:16]

City Clerk Carolyn Jagger: Yes, thank you, Vice Mayor. Mayor Lane, absent. Vice Mayor Whitehead?

Vice Mayor Whitehead: Here.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilmember Phillips: Here.

City Clerk Carolyn Jagger: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Carolyn Jagger: City Attorney Sherry Scott.

City Attorney 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. Thank you.

Vice Mayor Whitehead: Thank you. We'll start with the Mayor's report which is just notes of a few things on how we conduct council meetings virtually. Make sure you are in a quiet space. 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 in the lower left-hand side of the Zoom window when you are not speaking and be sure to unmute yourself when you begin speaking.

Thank you, and our next item of business is public comment. Spoken comment is being accepted on the consent agenda items 1 through 13, and on items that are within the council's jurisdiction but not on the agenda. With a maximum of five speakers. If you are watching the meeting on channel 11 or livestream on your television or other device, mute your device, while you are live in the meeting, and speaking. This will help eliminate audio feedback. Begin by stating your name, and your address for the record, and then proceed with your comment. Please stay within the allotted three-minute time frame. The City Clerk will orally alert you when you have one minute remaining and, again, when your time is up, 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 telephone. Citizens remotely attending council meetings shall observe the same rules of order and decorum as if they were physically in attendance inside city hall.

**PUBLIC COMMENT**

[Time: 00:02:55]

Vice Mayor Whithead: It's my understanding that we have a request to speak for the public comment portion of the agenda. So I will turn it over to staff at this time. There's a total of two speakers.

Senior Management Associate Megan Lynn: Hello, Vice Mayor Whitehead. We have our first speaker, who is Anne Pogue and I will let her into the meeting now. So bear with me. And Anne, you may begin.

Anne Pogue: Yes, my name is Ann Pogue, I live at 5802 North 78<sup>th</sup> Street in Scottsdale. I'm going to discuss the dire situation we the residents of Scottsdale are facing regarding the runaway steam roller, which is the regulatory juggernaut regarding communications, specifically the dangerous impact of high-powered pulse radio frequencies as are in 5G. Citizens try to address these dangers to the FCC and the Supreme Court to review the studies that show the dangers the radio frequencies exposure to follow-up with unbiased studies in order to create new regulations that reflect are the dangers of our increasing technologies, and we were denied. We turn to the state and our politicians decided rather to set up a process to protect the residents, it did the opposite by passing house bill 2365 which interprets a tiny portion of the FCC regulations, which state no state or local government or instruments may regulate the replacement, construction, modification of personal wireless service facilities on the basis of environmental assess the radio frequency emissions by completely ignoring the end of that statement to the extent that such facility comply with the commission's regulations concerning such emissions.

Without the process of checks and balances to ensure compliance, this makes all the rest of the FCC guidelines moot. I am certain that this is not the intention, but that is what we have got the senate bill -- with the house bill 2365. So now we must look to our local municipalities to help protect us. And it looks like this was your intent when you voted in a resolution 11079, but some very key items are being ignored. The resolution 1.13.10 public safety, the levels of radio frequency these nodes and towers are emitting are way above safety limits.

City Clerk Carolyn Jagger: One minute.

Anne Pogue: Don't they have the means of enforcing the procedures to penalize the communication companies for these dangerous companies practices. 6.11.1 of the resolution, that requires the disclosure of capacity -- it specifies the capacity regarding the small cell towers and facilities in the permit process. However, again, the city of Scottsdale does not have the means of measuring emissions or a way of enforcement or financial penalty -- oops. Went too far.

The financial penalty for the communication companies. 6.22 stipulates that the licensor may establish requirements for notifications by nearby residents and property owners prior to construction. May is not enough. With these levels of radio frequencies being emitted and we know -- and we know

through measurements that most dangerous paths -- the most dangerous path from these towers, these should most definitely be a must not a may. We need to be notified as to what they are doing to these towers. Thank you.

Vice Mayor Whitehead: Thank you, Ms. Pogue.

Senior Management Assistant Megan Lynn: Vice Mayor, the second and last open public commenter we have is Valeri Marsh. And I'm unmuting her now. And Valeri, after you press star six, you may begin.

Valeri Marsh: This is Valerie Marsh 7674 East Sutton Drive. Back in November of 2018, spoke in public comment and informed you that tens of thousand of scientific studies that were not funded by the wireless industry, showed the adverse health side effects from wireless antennas. It only took about 5,000 scientific studies each to ban lead from products and smoking in the U.S. We have more than double that number of studies that have established the known hazards of this radiation at levels far below our current federal emissions guidelines.

I have also informed you of negative economic impacts resulting from two downstream effects. First, a 20% average decrease in property values near cell towers and second, the fact that the local wireless companies that install our towers do not have insurance to pay for lawsuits that will result from the health harm to our residents. All insurance policies that the wireless industry uses contain pollution exclusions which expressly exclude coverage of any claims from injury from microwave radiation. So when lawsuits arise and they will, the local wireless companies will quickly go bankrupt and this massive liability is going to transfer to the City of Scottsdale.

I have submitted today in the public record a newly released report by the New Hampshire commission to study environmental and health effects of evolving 5G technology with research and recommendations very relevant to Scottsdale's problem. Please do not neglect this valuable resource that I submitted. Many of you have affirmed to me your desire to fulfill your duty to protect our public safety, but you have also told me that you believe your hands are tied against doing anything about this problem because of house bill 2365 or Senate bill 1487. Fortunately a solution exists, but is not --

City Clerk Carolyn Jagger: One minute.

Valeri Marsh: A solution exists that is not in conflict with either of these and which will satisfy our City's obligation to provide telecommunication services while also protecting our health, welfare and the economy. That solution is to simply turn down the power on the antennas a level that is safe, period. Full stop. This is the policing power you as the city have full authority to do. It's a power which has never been preempted in any legislation and it is something that the telecommunications industry does not want you to know about. I have also submitted today a video link into the public record where you can learn about the solution in fewer than 20 minutes. Compare that with the legacy of financial ruin that will be ours in 20 years if you do not fix this problem. Thank you.

Vice Mayor Whitehead: Thank you, Ms. Marsh. That concludes our public comment.

**MINUTES**

[Time: 00:10:11]

Vice Mayor Whitehead: Moving on to the approval of the minutes, I'm requesting a motion to approve the regular meeting minutes of November 10<sup>th</sup>, 2020, special meeting minutes of November 23<sup>rd</sup>, 2020, and executive session minutes of October 20<sup>th</sup>, 2020. I would accept a motion and a second. Please say your name before making the motion.

Councilwoman Littlefield: Kathy Littlefield.

Councilwoman Klapp: I make a motion to approve the minutes.

Councilwoman Littlefield: Second, Kathy Littlefield.

Vice Mayor Whitehead: Thank you. We'll ask our City Clerk to take a roll call vote.

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

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Klapp?

Councilwoman Klapp: Yes.

City Clerk Carolyn Jagger: Councilmember Korte.

Councilmember Korte: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: Councilwoman Milhaven.

Councilwoman Milhaven: Yes.

City Clerk Carolyn Jagger: And Councilman Phillips.

Councilmember Phillips: Yes.

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

**CONSENT AGENDA**

[Time: 00:11:19]

Vice Mayor Whitehead: Thank you. And next, we have the consent agenda items 1 through 13a. I will ask the City Councilmembers if they have any comments about the items on the consent. Let's start with Councilwoman Klapp.

Councilwoman Klapp: I have no questions or comments.

Vice Mayor Whitehead: Council Korte.

Councilmember Korte: No comments, thank you.

Vice Mayor Whitehead: Councilwoman Littlefield.

Councilwoman Littlefield: I have a question. On item number 1, Nash powersports conditional use permit. I had been told that that had been continued to January 12<sup>th</sup> is that true?

Vice Mayor Whitehead: I also thought it was continued. So it says -- staff?

Unknown: It is, yes.

City Clerk Carolyn Jagger: Yes, if we could have a motion to approve 1 through 13a, it will continue Nash Powersports to January 12<sup>th</sup>, 2021.

Vice Mayor Whitehead: Thank you. Okay. Councilwoman Milhaven.

Councilwoman Milhaven: No questions, thank you.

Vice Mayor Whitehead: Councilman Phillips.

Councilmember Phillips: No questions.

Vice Mayor Whitehead: I just have a comment. This is Vice Mayor Whitehead. I just want to thank the employees for their patience, and I'm pleased with consent agenda item number 12, with the merit and market adjustments. Other than that, I guess we are ready for a motion and a second.

Councilwoman Milhaven: Vice Mayor, this is Councilwoman Milhaven. I would move approval of consent agenda items 1 through 13a.

Councilwoman Klapp: This is Suzanne Klapp. I second that motion.

Vice Mayor Whitehead: Okay. Thank you. We will take action by a roll call vote and we'll ask the City Clerk Carolyn Jagger to announce each councilmember for their vote.

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

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Klapp.

Councilwoman Klapp: Yes.

City Clerk Carolyn Jagger: Councilwoman Korte.

Councilmember Korte: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: Councilwoman Milhaven.

Councilwoman Milhaven: Yes.

City Clerk Carolyn Jagger: Councilman Phillips.

Councilmember Phillips: Yes.

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

**REGULAR AGENDA**

[Time: 00:13:46]

Vice Mayor Whitehead: Okay. Moving on to the regular agenda items 14 through 15a. All three of these items are being continued. Two of them continued until December 7<sup>th</sup>, 2020, and item 15 has been continued until January 12<sup>th</sup>, 2021. City council, the continuance is at the request of the applicants. We continue all three items in a single motion if we have one.

Councilwoman Milhaven: I will make a motion to continue item 14 to December 7<sup>th</sup> and item 15, D.C. Ranch neighborhood park municipal use, to January 12<sup>th</sup> and 15a, Scottsdale Collection to December 7, all at the request of the applicant.

Councilmember Korte: Vice Mayor, this is Virginia Korte. I second that motion.

Vice Mayor Whitehead: Okay. Thank you. We'll take action by roll call vote and I will ask city clerk Carolyn Jagger for their vote.

City Clerk Carolyn Jagger: Vice Mayor Whitehead.

Vice Mayor Whitehead: Yes.

City Clerk Carolyn Jagger: Councilwoman Klapp.

Councilwoman Klapp: Yes.

City Clerk Carolyn Jagger: Councilmember Korte.

Councilmember Korte: Yes.

City Clerk Carolyn Jagger: Councilwoman Littlefield.

Councilwoman Littlefield: Yes.

City Clerk Carolyn Jagger: Councilwoman Milhaven.

Councilwoman Milhaven: Yes.

City Clerk Carolyn Jagger: Councilman Phillips.

Councilmember Phillips: Yes.

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

**MAYOR AND COUNCIL ITEMS**

[Time: 00:15:23]

Vice Mayor Whitehead: Thank you. Next is mayor and council items. I will read each councilmember's name and you can tell me if you have any items for tonight. Councilwoman Klapp?

Councilwoman Klapp: I have nothing.

Vice Mayor Whitehead: Councilwoman Korte?

Councilmember Korte: No additional.

Vice Mayor Whitehead: Councilwoman Littlefield?

Councilwoman Littlefield: No items.

Vice Mayor Whitehead: Councilwoman Milhaven.

Councilwoman Milhaven: No additional items.

Vice Mayor Whitehead: Councilman Phillips.

Councilmember Phillips: None.



Vice Mayor Whitehead: Thank you. And with that, I will accept -- oh, boards, commissions appointments. This has been continued to December 7<sup>th</sup>, 2020, and with that I will now accept a motion to adjourn.

**ADJOURNMENT**

[Time: 00:16:11]

Councilwoman Klapp: I move to adjourn. This is Suzanne Klapp.

Councilwoman Littlefield: Second. Kathy Littlefield.

Vice Mayor Whitehead: Okay. All those in favor, I that I we can say aye and be adjourned. [Chorus of ayes] Thank you.