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#### **CALL TO ORDER**

[Time: 00:00:02]

Mayor Lane: Good afternoon, everyone. I would like to call to order the April 4<sup>th</sup>, 2017, city council meeting. That's the regular meeting and we will start with a roll call, please.

#### **ROLL CALL**

[Time: 00:00:07]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Suzanne Klapp.

Vice Mayor Klapp: Here.

City Clerk Carolyn Jagger: Councilmembers 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.

Councilman Phillips: Here.

City Clerk Carolyn Jagger: David Smith.

City Clerk Carolyn Jagger: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Carolyn Jagger: Acting City Attorney Sherri Scott.

Senior Deputy City Attorney Sherri Scott: 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: Thank you. Some items of business to cover. We do have cards. Those are the white cards the city clerk is holding up over her head right now and if you would like to give us some written comments that's the yellow card she's now holding up just to my right over here.

We have Jason Glenn and Anthony Wells, our Scottsdale police officers. They are straight out here in front of me, on the dais -- or up there on the little bit of balcony. The areas behind the council dais are for staff and council only, but we do have access to rest rooms over here under that exit sign there to my left. And if you are having difficulty hearing any of the proceedings of our meetings there are hearing assist headsets available. So you can check with the clerk's desk there and the staff will be happy to provide you with one, if you need.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:32]

Mayor Lane: We have Troop 770 that will lead us in the pledge, if you would like to come forward, ladies. And their leader is Nicky Coburn. If you will, please stand. And start whenever you like.

Troop 770: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

Mayor Lane: Thank you, ladies. If you could, please just turn that microphone around. Face the audience and if you could introduce yourself and tell us where you go to school and what your favorite subject it.

Hannah: My name is Hannah and I go to Sonoran sky and my favorite subject is music.

Kristen: My name is Kristen and I go to school at Sonoran sky elementary school and my favorite subject is P.E.

Abbey: My, my name is Abbey, and I go to Sonoran sky elementary school and my favorite subject is music and art.

Caitlin: Hi, my name is Caitlin. I go to school at desert shadows middle school and right now, my favorite subject is science.

Mayor Lane: Very good. Thank you so very much, ladies. Thank you.

**INVOCATION**

[Time: 00:03:13]

Mayor Lane: This evening's invocation will be presented by Pastor David Joynt, the Valley Presbyterian Church. Pastor, welcome.

Pastor David Joynt: Thank you. It's great to be here. I want to thank you, Mayor Lane for coming out to the first annual Scottsdale for Africa day, which we held some weeks ago in order to raise funds along with businesses and the Scottsdale school district to build a school in Malawi, in Africa, and we raised \$21,000 and the council and Mayor were very helpful in that. Thank you for that.

Mayor Lane: Very glad to help.

Pastor David Joynt: Let's join our hearts and minds in prayer. Let us pray. Heavenly Father, we thank you for the beauty and the pleasure of this season, in this place. We thank you for that sun in the sky that gives our valley its name, whose rising in the morning brings hope and energy, and powers

energy that grows, that is green and lovely. And whose brings the distant wander of the starry host. We thank you for the shadows that play constantly on our soaring mountains. We thank you for parks and playgrounds, for teams and tournaments, for cactus leaguers and little leaguers and heavenly father, we lift up to you the blessing of the work that is done in this room. The listening and debating and deciding, the balancing and the manning and guiding. We ask you to lead our leaders so that the work in this room today will increase the opportunities we have in our city for life and health and faith and joy. We pray this in your great name and all God's people said. Amen.

**PUBLIC COMMENT**

[Time: 00:04:59]

Mayor Lane: Thank you, Pastor. I have no special report this evening and there are no presentations.

I will go right to the public comment. And public comment is reserved for citizen comments regarding non-agendized items of which no official action will be taken on these items. Comments are limited to issues within the jurisdiction of the city council. The speakers are limited to three minutes each, a maximum of five speakers and there's another opportunity at the end of the meeting for public comment as well. We have two requests to speak on the public comment and, we'll start with Judy Pollick.

Judy Pollick: My name is Judy Pollick and my address is on record. We are here to make this a public record, sober living homes are not care homes. The current city ordinance states adult care homes shall mean a residential care institution, which provides supervisory care, personal care or custodial care services to adults who require the assistance of no more than one person to walk or to transfer from a bed, chair or toilet but who are able to self-propel a wheelchair as subject to licensing subject by the state of Arizona. The state allows up to ten residents. Sober living homes provide a sober family environment to foster recovery from addiction. A sober living home emulates a biological family with them sharing housekeeping responsibilities and the open common areas.

The town of Gilbert passed on February 16<sup>th</sup>, 2017, ordinance 2606 which states for occupancy for sober living homes the number of residents excluding staff shall not exceed five. As well Phoenix are proposing up to five persons to Preserve the residential character of the neighborhoods. And Prescott has defined the biological family to be four persons. It is ludicrous for the city to propose combining these two classifications into one called care home. It is a disservice, both to the residents of the sober living homes and the neighboring community.

These are two distinct different operating environments. The state of Arizona has jurisdiction over adult care homes and the city of Scottsdale has jurisdiction over the sober living homes. Why you would combine the two obviously different classifications into one? You have separate classifications for numerous adult novelty stores, book stores, day care centers day care group homes. There are numerous differences between the two classifications, far too many to list in a three-minute statement. These differences have been communicated to the zoning department and to the council

in emails. You have the city of Prescott's and the down of Gilbert's sober living laws. Sober living homes are not care homes. If they were, they would be licensed by the Arizona department of health and services. We implore the Mayor and the members of the city council to provide the leadership to establish separate classifications, licensing, Rules, regulations, and inspections for sober living homes and reduce the number of residents to five. For the safety of the residents of the sober living home, and to Preserve the residential character of the homes. Thank you.

[Time: 00:08:39]

Mayor Lane: Thank you, Ms. Pollick. Next is Taylor Buttrey.

Taylor Buttrey: I'm Taylor with STARS, a center that serves the developmentally and cognitively disabled population of Scottsdale and the greater east valley. First off, I would like to give you the opportunity to discuss the amazing partnership that has been fostered between stars, Scottsdale arts and the Scottsdale museum of contemporary art. In the nearly two years that I have been the arts manager at star, it's been my goal to make it a more responsive and adaptive and comprehensive program that helps to improve the lives of people that we serve. To meet this goal, I found it important not only to improve the quality of the on-site programming but to also focus on community integration through the arts.

In June of last year, my quest led me to a meeting with Laura Hales. Curator of SMOCA where I learned about arts and accessibility, I program which strives to improve access to the arts for a wide array of diverse learners. Through this partnership, all on-site participants have had the opportunity to have a free tour at SMOCA each quarter, followed by an art project. Each time our participants and staff have returned from their outing, I'm amazed at the feedback that they offer, about the welcoming environment that they experienced each and every visit. This unfortunately stands in stark contrast to stories I have been told about visits to rival museums. Staff and, yes, even on one occasion, a participant has told me that they felt rushed, not welcomed and as though they were a burden to the staff and the museum as a whole. In contrast to this experience, SMOCA staff has welcomed us with open arms, going so far as to invite.

Program director and myself to come hold a training workshop to ensure that our participants were getting the most out of their experience at the museum. Gina and I were both touched at the dedication and the genuine interests all of the staff had and continue to have for each and every one of our participants. For the first time in the history of the creative arts program we started to track the emotional, vocational and social benefits that exposure to the arts has on our participants. While the creative arts program holds over 300 art classes we rely on community partners such as Scottsdale arts to make it more comprehensive, and fulfilling for each participant that we serve.

I'm here today to thank the council, the city as a whole and all of the wonderful staff at Scottsdale arts. I would like to specifically thank the director of education, Natalie Marsh, curator of education Laura Hales and each of the education coordinators, Katie Boyle, Leslie Haddad, Chris Harpen and Tammy Heinz for striving to create a truly inclusive and welcoming environment for all of our citizens of Scottsdale at each of our cultural facilities, as well as to encourage each of you to continue to support

this amazing organization that has a reach far beyond its walls. Thank you.

Mayor Lane: Thank you, Mr. Buttrey. That completes our public comment at this time.

## **MINUTES**

[Time: 00:11:49]

Mayor Lane: So moving on to the next order of business, we do have the request to approve the regular meeting minutes of March 7<sup>th</sup>, 2017. Do I have any comments, adds or deletes or a motion to accept.

Councilmember Korte: So moved to accept.

Councilwoman Littlefield: Second.

Mayor Lane: The motion has been made and seconded. We are then ready vote. All those in favor, please vote with a aye. Opposed nay. The meeting minutes are accepted unanimously.

Just a note here for this meeting, because some of the items we will be addressing, I want to give notice to the public because it's required by law, that at any time during tonight's meeting, the city council may make a motion to recess into executive session for item number 13, to discuss and consider the reappointment of associate city Judge Orest Jejna and/or to discuss or consult with the attorneys and/or representatives of public body. If authorized by a majority vote of the Scottsdale city council, the executive session will be held immediately after the vote and will not be open to the public.

Having said that, I will move on to our consent items 1 through 11a. We have one item that was pulled by staff, and that is 7, the D.C. Ranch Park municipal use master site plan, which has been pulled at the request of staff. That will not be heard.

## **CONSENT AGENDA**

[Time: 00:13:11]

Mayor Lane: We do have some requests to speak on a couple of the consent items. On one of the consent items. This item 2, which for the record everyone it's j's k a y "Sushi and Bar Liquor License, 11-LL-2017. And It's Considering Forwarding a Recommendation of Approval of the Arizona Department of Liquor Licenses and Control for a Series 12 Restaurant, State Laker License for a New Location and Owner. And That Is at 4412 North Miller Road.

So I will go to the request to speak on this issue, and start with Marvin Manross.

Marvin Manross: Thank You, Mayor Lane, My Name Is Marv Manross. I'm an attorney. I represent a woman, a Chinese woman named Maggie Lau and the company that she runs is J & M Food Services.

Mayor Lane: Would you mind, sir. We do -- just for the record if you could state where you live.

Marvin Manross: Where what? I live in Scottsdale at 6221 East Beverly Lane. We have provided some materials to the council that should be in front of you now. I apologize, we gave these materials to John -- Sergeant Miller at the Scottsdale police department yesterday but he did not have an opportunity to look at them in time to make a recommendation to the council. The long and the short of these materials that we have provided you to indicate that the liquor license application, which has been filed by P.J. food services does not reflect the ownership interest of a Mr. Jay Chung. Mr. Chung works at that restaurant and is telling anyone who asks him that he is the owner of that restaurant. The materials that we have chosen to provide you to show that the P.J. food services entity that ultimately applied for this license was the third in a series of proposed entities by Mr. Chung and his lawyers to open this restaurant. And only this last entity reflected -- every one but this last entity reflected Mr. Chung's involvement and ownership in the restaurant. Materials describe various actions taken by Mr. Chung in the operation of a previous sushi restaurant that you may wish to consider before making a recommendation on this liquor license application. Any questions?

Mayor Lane: Sir, at this point in time, it's just a matter of comments on this or objections.

Marvin Manross: That concludes my comments then. Thank you, Mr. Mayor.

Mayor Lane: Thank you, Mr. Manross. Next would be Mr. Jeff Miller. I'm a little perplexed and I will ask to pull this for the regular agenda. I will ask Mr. Manross to come back at that time, but I will go ahead and ask to have this pulled so we can discuss this.

Marvin Manross: Thank you, Mayor.

Mayor Lane: So what I will do is move item 2 to the regular agenda. It's not included in the consent agenda item. There's no further testimony. Seeing none, then I would accept a motion to accept the consent items absent item 2 and 7.

Vice Mayor Klapp: So moved.

Councilmember Korte: Second.

Mayor Lane: The motion is made by the Vice Mayor and seconded by Councilwoman Korte. I think we are then ready to vote. All of those in favor of the consent items as outlined. Please register your vote. It's unanimous then. So we have those consent items. If you are here for those consent items, you will be pleased to have you spend the rest of the evening for you. You can

certainly leave at this time, if you would like but please do so quietly.

So with that completed, we have the regular agenda items 12, through 14 and we have added to that, item 2 and 7. I'm sorry, item 2 and 7. Thank you very much. It's not on consent.

**ITEM 2 – J'S KAIYO SUSHI+BAR LIQUOR LICENSE (11-LL-2017)**

[Time: 00:13:55]

Mayor Lane: We are adding item 2. And we'll start with item 2. Mr. Curtis.

Planning Director Tim Curtis: Thank you, Mayor. Mayor and members of the city council, I'm Curtis with the city's planning department. This item, item 2 on the agenda is a request for a recommendation by the city to the state liquor department regarding a new series 12 restaurant liquor license at a new location and the new owner. And so this location is on 4412 North Miller Road. This is the old Arby's site on Miller road, just south of Camelback in that shopping center that also has T.J. Maxx and Zip's.

The request, again, is to establish a new restaurant with a liquor license, series 12 and the council's objection here -- excuse me, the council's criteria here to make the recommendation to the state is based off of the capability and reliability of the applicant in terms of the ownership of the liquor license as well as at the public's convenience is best served with this location for the liquor license. Some special, plenty of parking, staff has made a recommendation to the council to submit a recommendation to the state on this liquor license for approval. The police department has taken a look at the application and has submitted no opposition to the request, including some additional information they have received yesterday that Mr. Manross was speaking of tonight. I would be happy to answer any questions that you may have.

Mayor Lane: Thank you, Tim. I think we have -- since we have a number of requests to speak on, this I will go ahead and hear those first but please stand by. I'm sure we probably will. You know, just for the sake on the coverage of this, I will allow Mr. Manross to state the situation as did he before, if he's still available.

[Time: 00:22:13]

Marvin Manross: Mr. Mayor, Marv Manross appearing again. The essence of the comments that I made previously are that the true ownership is not reflected in the liquor department application. We believe that the materials that you have in front of you show that there's been a great deal of maneuvering in attempting to get an entity that will avoid the scriptures of the bankruptcy code that has prevented Mr. Chung from opening or applying for a liquor license. We have in the materials given you a variety of actions that Mr. Chung took in connection with a related sushi restaurant and we believe that he is still involved in this restaurant. He's still a member of the L.L.C. that is applying for the -- the liquor license and that his ownership in that entity is not being reflected in either the application or the records of the corporation commission, yet he is working in the restaurant every



night and telling everyone that he is the owner of that restaurant. We think that this is worthy of staff reinvestigating and determining whether or not there's a secret ownership in this liquor license application.

Mayor Lane: All right, thank you, Mr. Manross. Mr. Jeff Miller.

[Time: 00:24:26]

Jeff Miller: Thank you Mayor, Vice Mayor. My name is Jeff Miller, I work with the Arizona Liquor Consultants. We are a liquor consulting company that's working with the applicant on his paperwork. The ownership is reflected at the Arizona Corporation Commission for this establishment, where the applicant is 100% owner with that organization, or with the Corporation Commission. We met in our office to discuss capability, reliability and qualifications.

This argument we are hearing today is coming from a competitive business, within close proximity, and yes, the subject that they are speaking about is the chef, and he was the chef at the other location. They want to open a business in the city of Scottsdale, employ residents of the city of Scottsdale and provide another sushi restaurant and service to it. The applicant is here today to speak and he can address the fact that he is the 100% owner of the corporation or the L.L.C. Down the road, just like any other business, especially restaurants, chef's names bring a lot of attention when they are a quality chef and when they come into an organization, and they are cooking and working there, they do tend to earn ownership points down the road, sweat equity and you can discuss that with him if that will happen at this point in time. But at this time, with the Corporation Commission, the subject you will hear from next is the 100% owner.

Mayor Lane: Okay. Thank you very much. Jacob Hippensteel.

[Time: 00:25:46]

Jacob Hippensteel: Good evening, Mayor. Councilmembers. My name is Jacob Hippensteel, I'm counsel on behalf of the 100% owner, Pajman Malihi. I want to mention some of the things by Mr. Manross and the other witness in support. Mr. Malihi is the 100% owner of this business and if that were to change, that's, you know, a significant change that would then be disclosed to the liquor board and that could be addressed at that time. So to say that there's a secret membership and these things that there's no evidence of, now won be the time for the city to -- won be the time for the city to take measures against that. When the liquor board receives notice that membership has changed, that's when they can step in to see if they can carry out the liquor license. Right now, Mr. Mallehe is the 100% ownership of this entity.

To provide some background on this, Mr. Chung, who was mentioned, he was the chef at a competitive restaurant. That's what was just said. Through a business dispute, he has left and he became an employee at J's Kaiyo Sushi. He did not have any ownership interest. Mr. Manross is correct that prior to this entity taking form, there were discussions that Mr. Manross was made aware of in which Jay may have an ownership interest. For business reasons my client decided that he

would be the 100% owner and that Mr. Chung would be an employee only, which is why Mr. Chung is not listed on the application for a liquor license and not listed with the Arizona Corporation Commission as an owner of this restaurant.

Mayor Lane: Okay. Thank you.

Jacob Hippensteel: Thank you.

Mayor Lane: Next is Mr. Malihi.

[Time: 00:27:56]

Pajman Malihi: How are you doing? I have to say, I'm the 100 percent owner and Mr. Chung just works for me, and there's nothing else that -- what they were saying that's true. Yeah. That's all.

Mayor Lane: All right, thank you. And I'm sorry to have troubled everyone with that, but I just wanted to make sure that we covered our base on this. This is not a decision that falls upon this body here as far as the ownership interest. That is something that is established elsewhere. But I just wanted to be careful to make sure that given the fact that we had some dispute here, whether staff -- and frankly, I may pose that as a question, whether staff had any inkling that there was a problem with.

I assume that we are not doing anything other than what is required for us to make the recommendation to the liquor board?

Planning Director Tim Curtis: That's correct, Mayor, members of Council. The police department still registers no opposition to the request in terms of the capability and the qualifications of the applicant. And, of course, from the planning standpoint, the location is appropriate.

Mayor Lane: Very good. Vice Mayor Klapp.

Vice Mayor Klapp: I recommend that we move, item number 2, for liquor license 11-LL-2017, of J's Kaiyo Sushi and Bar at 4412 North Miller Road.

Mayor Lane: I will second that. No reason to make any further comment have any perspective. So I think we are ready to vote. There's no other comments. All of those in favor, please indicate by aye and register your vote. It's unanimous then to approve item 2.

**ITEM 12 – MAYOR'S YOUTH COUNCIL INTERNSHIP PROGRAM**

[Time: 00:30:16]

Mayor Lane: So we'll move on to the -- our regular agenda items and we'll start with item 12, which is the Mayor's youth council internship program and this is a request to adopt resolution 10767,

recognizing the Mayor's youth council and internship program. And we have coming to and already proceeding to Greg Bestgen here to do some introductions of the youth councilmembers.

Human Services Director Greg Bestgen: Tim is kind of tall. Okay. Good evening, Mayor Lane, members of Council, it's a pleasure to be here this evening. Some years ago while I was at youth and family services, I met with a high school student that was keenly -- had a great mind for numbers and had a real strong intention to learn more about government and business in Scottsdale. She interviewed for an internship position with financial services that summer. She spent that year or that few months being mentored by all the great staff that we have in financial services and soaking up all kinds of numbers which was really her forte. That is our Anna Henthorn, financial manager. We are thrilled that she came back from university and took a role with the city and progressed in her role with the city. So it's a reminder for all of us, how important youth are as an asset to the city, and I believe a very strong element of our economic engine.

So now I would like to present Nora O'Connell Krauss, she's the staff representative for the Mayor's youth council and she will say a little bit more about the Mayor's Youth Council.

Human Services Specialist Nora O'Connell Krause: Good evening Mayor Lane and members of the Council, thank you for the opportunity to present during today's city council meeting. I am a human services specialist in youth and family services and I also serve as the advisor for the Scottsdale Mayors Youth Council. Our youth council is comprised of 38 teens selected to be on the council after an application and interview process. These teens either live in the city of Scottsdale or attend a Scottsdale high school.

As a youth council, we have spent the year learning about city government, discussing issues relevant to today's youth, touring city facilities to gain a better understanding of how a city operates and working to advocate for change within Scottsdale. During a simulated council activity our youth councilmembers shed light on an issue that Scottsdale youth have identified has a growing need and that issue is the need for high school internship opportunities. What started as a discussion topic quickly transformed into the presentation that you are about to hear today. I'm very proud to represent such a wonderful group of kids. They work hard to give Scottsdale youth a voice. I continue to be amazed by their ambition and leadership and I hope that you enjoy what they have prepared for you today.

Representing our Scottsdale Mayor's youth council today will be our president, Steven Aidleberg, our vice president, Charlise Barzoni. And Dylan Cox.

[Time: 00:34:09]

Mayor's Youth Council: The city of Scottsdale high school internship program connects youth with city departments and provide Scottsdale with future untapped economic talent.

The Scottsdale's Mayor's youth council provides Scottsdale youth with the opportunity to learn about their local government through experiences such as cheering facilities and it allows them to share their

voice through experiences such as this.

The original concept was brought up in the simulated council we had here in winter. Myself and a few other members of the council were put in charge of creating a citizen petition. So we came up with the idea after figuring out that we really didn't have any internships available to us in our community. You had to either have a college degree or you had to be 18 or over. So at my high school, Saguaro high school, we are required in the math and science academy to have a S.T.E.M. internship completed by the end of our senior year and we felt this was a really good idea and it would be beneficial to the community.

Some benefits to Scottsdale youth include work experience. As Dylan said, it's hard for teenagers without college degrees to get jobs that give them good, valuable experience. So these internships would very much help that. It allows them to explore careers that they wouldn't otherwise think of exploring, and it meets internship standards as Dylan pointed out as well. Benefits to the city of Scottsdale, it strengthens the future workforce, and will produce a stronger workforce for the city of Scottsdale as the teens will become more experienced and allows the city to invest in its future as the stronger employees will contribute to Scottsdale's tourism and economy.

So just in conclusion, first of all, I would like to thank all of you for your time today in giving us opportunity to present this proposal to the council and in order to conclude this presentation, and then I move to questions, we would like to courage all of you to approve this highly beneficial internship program both for youth and the city of Scottsdale in order to ensure that youth are able to attain the -- the secondary and higher educational opportunities that they need in order to succeed to ensure that the city of Scottsdale's workforce is able to develop and boost the economy, and to ensure that the city of Scottsdale has the resources it needs in order to provide critical services to its citizens. So thank you very much for your time and attention and for giving us the opportunity to give this presentation.

[Time: 00:37:13]

Mayor Lane: Well, thank you very much. We don't have any requests to speak on this subject. We may have some comments from the council here that you might be able to answer for them. But for one, I will just say that I'm very proud of what you are doing and how you operate and even in bringing this forward. I think that given the city and our community's emphasis on S.T.E.M. and S.T.E.A.M. as it relates to the ability to move into engineering and math and the arts and so it's an important component as far as workforce and our students and their level of education, that they are able to get. So I'm delighted to have you here. I think this is a very good program and it's wonderful that you are standing here in front of us to offer that suggestion and recommendation to us.

Let's start with Councilwoman Milhaven.

Councilwoman Milhaven: I want to echo some of your comments. Thank you for a great job.

Congratulations for a great idea and for having the initiative and the courage to get up here and speak in front of all of these people and present your idea. So thank you for the city and thank you for all the youth in the city for a job well done.

So with that, I will make a motion to adopt resolution 10767 recognizing the city of Scottsdale community services, Scottsdale's Mayor's youth council internship program for high school students beginning in fiscal year 2017/18.

Councilmember Korte: Second.

Mayor Lane: Would the second like to speak toward it?

[Time: 00:38:49]

Councilmember Korte: Yes, I would. Congratulations this is really good stuff. Our youth are our future and I believe the city really has a responsibility to support better pathways for our youth to not only gain experience for the workforce but also to gape higher education and be productive citizens and stay in Scottsdale and work in Scottsdale. So thank you.

Mayor Lane: Thank you. The motion has been made and seconded. We do have some further comments or questions. Councilman Smith.

Councilman Smith: Thank you, Mayor. Well, I will echo the congratulations and the courage you have shown in talking to this whole group of people tonight. I particularly applaud any program that helps Scottsdale people. I wasn't aware until Greg mentioned it that Anna Henthorn, he mentioned her by name was a former participant in this program. I worked with Anna in the treasury area. I guarantee you, if we can find a dozen more like her, we will be well served with that experience. But I applaud you for your initiative and I applaud the program coming out of community services and I obviously will be supporting it. Thank you.

Mayor Lane: Thank you, Councilman. Vice Mayor Klapp?

Vice Mayor Klapp: Well, I also support the idea of an internship program here. I think it's a great thing for Scottsdale and it really will benefit the city as much as it benefits you. I would like to tell from you a personal perspective that I was once an intern and what you learn is really something that you take with you throughout your whole life. So I believe that this is a great opportunity to get more people to get interested in city government, through their high school years and will lead to more understanding of how important city government is to a community. So I'm very happy that you are able to bring this forward to us and I'm very, very supportive of the motion.

Mayor Lane: Thank that, Vice Mayor. Or comments and questions are done. Thank you very much for being here. It's a great indication of your involvement with the program and your city.

With that, all in favor, please indicate by aye and register your vote. Opposed with a nay. It's

unanimous. Thank you very much.

Human Services Director Greg Bestgen: Thank you.

**ITEM 13 – ASSOCIATE CITY JUDGE REAPPONITMENT**

[Time: 00:41:36]

Mayor Lane: Our next item is the associate city judge reappointment and we have Donna brown, a human resources director here to present.

Human Resources Director Donna Brown: Good evening, Mayor, members of the City Council. On this evening's agenda, you will be considering Judge Orest Jejna, so the judicial reappointment for a four-year term to begin May 1<sup>st</sup> 2017, as indicated in the city council action, the judicial department, known as the J.A.A.B. supports the reappointment of Judge Jejna.

But first, I would like to briefly share some general information about the J.A.A.B. In accordance to Scottsdale ordinance, the J.A.A.B. makes advisory recommendations regarding the appointment and reappointment of full time city judges, using merit-based criteria to recommend the best qualified persons to become city judges and to make recommendations to council about retaining city judges. The seven-member board consists of two active judges from the state bar, a representative from the Scottsdale bar association and three citizen appointed by the city council. The current J.A.A.B. members are Judge Bruce Cohen, presiding judge of the Arizona Supreme Court appointee. Judge Bradley Astrowsky, Chief Justice of the Arizona Supreme Court appointee, Donald Alvarez, the state bar of Arizona representative, James Padish, the Scottsdale Bar Association representative and citizen members Sandra Schenkat, and Brian Adamovich.

Six of the seven J.A.A.B. members participated in the hearing. This distinguished board completed a comprehensive reappointment process. On behalf of the human resources department, I would like to acknowledge that the J.A.A.B.'s members dedication. Before bringing Judge Cohen, it's my representative that Judge Jejna is present tonight should council wish to address them. It's now my pleasure to introduce Judge Bruce Cohen and invite him to the podium.

[Time: 00:44:12]

Judge Bruce Cohen: Thank you, Mayor Lane, members of Council. I was just looking at the draft of the minutes from our meeting. It was called to order at 6:05. I walked in the room at 6:06 and in that minute that had elapsed I was appointed the chair of the judicial board. I'm the newly selected chair. I have been on J.A.A.B. for six or seven years. I'm not exactly sure. I have been a resident of Scottsdale for 35 years and proud of that. I'm on the superior court bench, currently assigned to a juvenile division, a juvenile assessment.

For Judge Jejna, we went through a thorough assessment. Our work included a review of a survey that was done over a six-month period in which across the board Judge Jejna's scores were at above

the average of his peers on the bench. I note for the council that all the members. Bench scored very well in that assessment period, but Judge Jejna was even above that. I think we can all appreciate that when people fill out surveys, they have to be motivated to do so. Many people encountering any aspect of -- of government, if they have the experience they expect, they may not be motivated to fill something out. Certainly people who are aggrieved often feel compelled to fill out a survey, when asked people who were very pleased fill out surveys. So if we take in that context that there's a motivation for people to fill it out, to have scores as exceptional as Judge Jejna, I think, speaks volumes to his capabilities.

This was a comment I made to him during our public -- during his part of the interview, where I told him that I believed that he, in the way he handles himself, as a judicial officer, places the rest of us across the state of Arizona in a very favorable light as a judicial officer, based on his demeanor, his dignified way that he conducts himself and the way that he takes seriously the office of the judge for this city. We also conducted interviews with those attorneys who had appeared before Judge Jejna. We were provided with that list. That list was divided among the members of J.A.A.B. We contacted those people and got their comments and they are reflected in the minutes across the board. They were extremely favorable.

They were some concerns mentioned. They were not directly related to Judge Jejna, as much as they were about different aspects of being an attorney, practicing in a smaller court system. Frankly, the points are well taken, but not terribly unusual, and there was nothing of merit that any of the members of the J.A.A.B. felt should be brought to the attention of this council.

We voted the six members who did participate, we voted unanimously in support and I would recommend to the council that you retain Judge Jejna for another four distinguished years of service for the city of Scottsdale. I would also ask that if you would, that you -- in whatever way you would, please extend the appreciation to Don Alvarez who served as chair for J.A.A.B. for four years and did an outstanding job. Thank you.

Mayor Lane: Thank you, Judge Cohen. We have a few requests to speak on this subject. So I will start with Craig Rosenstein.

[Time: 00:48:33]

Craig Rosenstein: Good evening, Mayor, members of the council, I'm Craig Rosenstein. I'm an attorney. I practice in front of Judge Jejna on a regular basis. I live in Scottsdale and my practice is also located Scottsdale.

I came here today, despite being ill, because I think it's important to come out and talk about those judges who I think exemplify the bench and in this particular case, no other judge demonstrates the reasonable, to be in the black robe than Judge Jejna. So I will be brief. I would just recommend to this board that this particular bright spot in the Scottsdale city court be retained. Thank you.

Mayor Lane: Thank you, Mr. Rosenstein. Next is Jim Padish.

[Time: 00:49:35]

Jim Padish: Good evening, Mayor Lane, council, my name is Jim Padish, I live at 8607 North Woodland Court in Scottsdale, it's Carriage square at Gainey Village. I have been a Scottsdale resident for 30 years. I'm the representative to J.A.A.B. from the Scottsdale bar association. My offices are in Scottsdale. I'm a former superior court judge. I offer that to you, only so that you can weigh my comments as you think appropriate.

It's been my pleasure to be acquainted with Judge Jejna since we both had black hair and he didn't have that little thing on his chin. I have known him as a fellow attorney and for the past several years as a judge. None of the Scottsdale city court judges hear any contested matters in which I'm involved in. They are referred to judge Pro Tems but from time to time I have cases in Scottsdale and I've had the opportunity to observe not only Judge Jejna, but other judges as they run their courtrooms.

As a member of J.A.A.B., I was also assigned due diligence to talk to lawyers across the board who appeared in front of Orest, prosecutors, defense attorneys, and uniformly, Judge Jejna received glowing remarks. In fact, the highest testament to his capabilities I will share with you is this. The defense attorneys all raved about his temperament, his patience, and the manner in which he listens, even when the outcome seems inevitable. They thought that he was prosecution oriented. When I talked to the prosecutors, they also found him to be patient, fair, but they thought he was defense oriented. And under those circumstances, I think that's the highest attribute that any judge can have.

So I offer to you the sentiments of the Scottsdale bar to urge you to reappoint Judge Jejna. He's a real credit to our bench, and having served on the bench, I know what an often difficult job that is. When the surveys go out to folks, there's no discrimination in terms of who the recipients are. And when I was a judge of the superior court, assigned to the criminal bench, defendants whom I had just sent to prison received the survey and were being asked to grade how I did. Well, you can expect that there wasn't a lot of cheers for Judge Padish, as I had just signed the order committing them to the department of corrections, but that's part and parcel of the process. So if there are folks who are aggrieved by convictions that they have received from Judge Jejna, that just goes with the territory. Thank you for your consideration.

Mayor Lane: Thank you, Your Honor. Next is Alex Benikov.

[Time: 00:53:00]

Alex Benikov: Good afternoon, or almost evening. Thank you, Mayor, council, thank you for having me. My name is Alexander Benikov, I'm a defense attorney and I'm the P.D. in Judge Jejna's courtroom. I have known him about eight years and I have been the P.D. in his courtroom for about four years.

I feel like I'm in a unique position to speak because I can say over the last at least two years I probably



had more cases in his courtroom than most defense attorneys if not the most. So I wanted to say that I have always appeared in different courts, different jurisdictions, probably over 100 different judges and I can comfortably say Judge Jejna is one of the best judges for a number of reasons. As you have heard, I would echo all the sentiments that he's fair, that he's reasonable, he's not better for the defense or the prosecution. He always listens.

I will leave you with a short story. We recently had a trial where my defendant was kind of a trifecta of difficult for many judges and many defense lawyers. He was a senior citizen. He was a Korean speaker and was deaf. So pretty much everything in court was difficult because he couldn't hear and the interpreters often had a hard time because of how he spoke and finding good interpreters. So pretty much everything in court was difficult. So -- and he also had to yell very loud because of his deafness and he was difficult to deal with for a number of reasons. Judge Jejna was very patient with him. He made sure that he got a fair trial even though he wasn't -- the defendant was not always happy with the outcome.

I have got a million stories like that over the last couple of years of trials, of pretrials, the hearings, often that are very contested, but where Judge Jejna was always reasonable and did everything that I feel that a good judge should do. So thank you.

Mayor Lane: Thank you. Next and final is Lawrence Koplow.

[Time: 00:55:18]

Lawrence Koplow: Good afternoon. I guess we have gotten to the part of the lineup with the people with the best haircuts, me and Mr. Benikov. I live in Scottsdale. I'm a former prosecutor with the Maricopa County attorney's office long ago, and primarily do criminal defense work. I have practiced before Judge Jejna for a long time.

As I sit -- as I stand here today and I look at Judge Jejna, I can tell you, he hardly ever rules in my favor but I'm still standing here, supporting him because he's a good man and he's one of these people where reasonable minds can disagree and simply because you disagree with me does not make you a bad judge. If you are reasonable about it, it makes you a very good judge. He's the kind of man I hope my child grows up to be. That being said, you have heard enough.

As I have spoken to many of you individually, there are some big problems in the justice system in the city of Scottsdale. This is the farthest removed from all of those problems. Don't let this one get away.

Mayor Lane: Thank you, Mr. Koplow. That completes the requests to speak on this subject. So we will have some comments from council and then we'll start with Councilmember Korte.

[Time: 00:56:42]

Councilmember Korte: Thank you, Mayor. I move to reappoint Judge Jejna, associate city judge to

a term of four years, including terms of employment, as set forth in city code to begin on May 1<sup>st</sup>, 2017.

Vice Mayor Klapp: Second.

Mayor Lane: The motion has been made and seconded. Would the second like to speak to it?

Vice Mayor Klapp: I agree with the motion and I want to make a statement that I appreciate the work of J.A.A.B. I did the J.A.A.B. board a few years ago when we had another issue going on and I was able to observe the work of J.A.A.B. and so I very much respect the people there and their position on the judges. You can best tell me who are the good judges. I don't really know because I don't go into the court system and observe. So I thank you.

And also because you mentioned, it I want to make sure that we thank former chairman Alvarez for all the work he's done the J.A.A.B. board but I do support the motion.

Mayor Lane: Thank you, Vice Mayor. Councilwoman Littlefield.

[Time: 00:57:53]

Councilwoman Littlefield: Thank you, Mayor. This is an issue that I have taken very, very seriously because when I was first elected two years ago, people came to me and said there's a problem in the Scottsdale courts. And we don't ever hear anything from the Scottsdale courts. They kind of go about and do their own thing and they run their court system and they are kind of off over there in the courthouse. And so it's very hard for us, for me, to know what is really going on.

When this came up, and the issue came up of whether or not to reappoint this judge. He's first judge that's come before me or reappointment, and so I -- it put me in a quandary, what do I do about this? And I started calling people I knew personally across the valley, that has appeared or have appeared in the court of Scottsdale, either as a defense attorney or as a suspect or whatever you call them. And I talked to them in great detail. I probably spent more time on this than any other issue that has come before us in last month or two.

And I found that many people said the same thing as our last speaker. There is a problem in the city courts, but it's not Judge Jejna. So I have to go with that. I have found no collaborating evidence against him or to any reason for that, but I am very glad that this is going to go to an independent agency for study and review of the court system itself and if there is a problem there, I'm hoping that it can be resolved. But at the moment, I will be supporting Judge Jejna. Thank you.

[Time: 00:59:48]

Mayor Lane: Thank you, Councilwoman. In our job here, number one, I want to thank J.A.A.B. as well. Present and past chairs and all the members of it for what they do in sometimes a very interesting and frankly research oriented type of element of things.

When we talk about our judicial system on the overall, but our job here is really only to do one thing and that is to make a call on the reappointment on the basis of administrative and temperament, not on the basis of any judgment they make. That is outside the realm for us and it is absolutely strictly illegal, the separation of powers requires that we do not interfere with any judges' decision making capabilities. It's for others to decide but that's not for us to decide in this process. And that has been one of the things that we have a little bit of history in the past where it's been questioned, where we have had occasion to make sure that we were in sync with J.A.A.B. and what they were thinking with regard to their judgments, as well as our own. I too -- and I think everyone on this council does have a real sincere concern about making sure our judicial system is independent, independent of us, and independent of others as it respects to the judgments that they make.

The only serious charges even considered with regard to the reappointment of Judge Jejna is from someone who had an adverse opinion leveled upon him in the courtroom. And it goes to one of the judges, pardon me for not remembering which one it was, who mentioned the fact that, you know, if you go to prison and you ask for a survey of the judges and the people who came under the ruling, that obviously is not going to be an easy -- it's not going to be a responsive -- positively responsive kind of survey.

So I'm -- I'm concerned about some of the very same things that have been mentioned with regard to making sure that they are independent and making sure that we keep them between the prosecutor's office and the judicial system. But we truly, other than some instances where we still have what kind of decisions have come down, have not determined that there's a problem there. It's always subject to review and I'm open to doing that. But that's not what our job is here and certainly I strongly support the reappointment of Judge Jejna. I think he's an excellent example of not only what Scottsdale expects from its judges and has performed in that manner and is judged by his peers and others to fulfill that.

With that we have a motion and a second on the table to retain the judge for reappointment and we are ready then to vote. All those in favor, please indicate by aye, those opposed with a nay. It's unanimous on the reappointment of Judge Jejna. Thank you, Judge, for your service and certainly we look forward to four more years with you.

**ITEM 14 – CITIZEN PETITION REQUESTING REMOVAL OF CACTUS PATH FROM THE TRANSPORTATION MASTER PLAN**

[Time: 01:03:10]

Mayor Lane: All right. Our next item is item 14, which is the citizen petition requesting removal of cactus path from the transportation master plan. And, of course, we are here to discuss, consider and provide possible direction to staff on a citizen petition as provided by the city charter, seeking removal -- which seeks the removal of the cactus path from the transportation master plan. So we have Mr. Paul Basha making his way to the podium to present on this. He's our illustrious transportation director. Mr. Basha?

Transportation Director Paul Basha: Thank you, Mayor Lane, members of the City Council. I'm happy to be here this evening. Thank you for your attention. This is a relatively involved topic and so I have a fairly lengthy presentation for you. I have approximately two dozen slides and then Kroy Ekblaw, our Preserve director has about half a dozen slides and then I will be back with another two dozen or so slides.

As you mentioned, Mayor Lane, this item is before you because of a citizen petition that the council unanimously accepted and asked us to agendaize. This process began in earnest approximately three years ago. When the transportation department conceived of a shared use path connecting 128<sup>th</sup> Street to Anasazi school.

The petition was submitted to you because we were in the final stages of completing the design and beginning the construction of this .4 of a mile path. It is essentially a sidewalk. This is the location of the proposed path, the proposed sidewalk.

It is Anasazi school, and this is 124<sup>th</sup> Street. This is 128<sup>th</sup> Street and this is Via Linda. The neighborhood that is most concerned with this proposed sidewalk is named Sonoran heights and that's essentially in this vicinity. This is a close-up. Anasazi school, and 124<sup>th</sup> Street, and 128<sup>th</sup> and then where it would be paved and also of interest, 127<sup>th</sup> street here. Currently this is a partial one block long half street of Cactus Road that was constructed to measure it with the construction of the Sonoran heights homes.

I would like to put this slide before you. This is one of the mobility element policies within the current Scottsdale general plan. Notice that the policy states to protect regional networks to help reduce automobile trips. Also another mobility element in the plan, suggests that they have facilities that enhance safety and connectivity.

[Time: 01:06:51]

The current transportation master plan which was adopted by the city council last July, first policy states that the transportation network shall maximize travel route choices and of importance the travel mode choices and access and mobility for all ages and abilities and that's what we are attempting to do with the proposed cactus path.

I want to show you some slides within the area of the city of Scottsdale that do not conform to those three policies that I just mentioned to you. These photographs are taken from various school locations throughout the city of Scottsdale. Notice in each of those four slides that we have school aged children conflicting in their travel with motor vehicles. That first slide showed a young person on a sidewalk adjacent to a street with a 35-mile-per-hour speed limit. Obviously, we cannot correct every single one of those situations at all of our public charter and private schools however, the transportation department believes that we should not repeat these situations, wherever we have the opportunity to provide separation between pedestrians, bicycles and razors and skateboard use, all of those type of uses and motor vehicles.

I want to show you one slide that we have that indicates conformance with our policy. We obviously cannot guarantee that every single young child learning to ride a bicycle can be escorted by a police officer on a bicycle, but we do have shared paths that are used by young children learning to ride a bicycle.

We received two documents, one on Friday, one yesterday, that speak directly to this issue. This particular document comes from the governor's highway safety association. This is a nationwide organization, where all 50 states and the District of Columbia are represented. We just received this on Friday. Actually, I heard the description on National Public Radio regarding this document. It is a listing of pedestrian traffic fatalities throughout the United States. It's a bit difficult to read here but I want to read what it says. For the first time in our nation's history, for the last 25 years, the single greatest percentage of traffic fatalities in the United States are pedestrians. That just occurred early in 2016.

[Time: 01:10:25]

This particular slide sorts the 50 states and the District of Columbia in the United States based on pedestrian fatality rates. Arizona has the distinction of being the third highest pedestrian fatality rate of the 51 states and District of Columbia. That is based on the number of pedestrian fatalities per population. This next page from the document discusses efforts to reduce pedestrian fatalities and injuries. Prior to this page, the document lists examples from throughout the country of methods to reduce pedestrian fatalities. 42 different state programs are listed. Arizona is not one of those 42. We're one of the eight that didn't have any mechanisms listed in this book to reduce pedestrian fatalities.

This particular page lists -- let me read it, evidence-based strategies to increase separation of pedestrians from motor vehicles. The document explains that the best mechanism to reduce pedestrian fatalities is to separate pedestrians from motor vehicle travel. I'm very, very pleased to inform the Mayor and council, what you already know and that is of these five listed techniques, Scottsdale uses all of them, and has for decades. They include refuge islands, which we have just outside near Scottsdale hospital, and sidewalks and underpasses and overpasses which we have throughout the city. Our traffic signals always have ample time for pedestrians to walk across the street.

We also have pedestrian hybrid beacons, which were along the Arizona canal and multiuse path. One is on Chaparral road and one on McDonald drive and we install traffic signals whenever they are warrants and, in fact, we will active a new traffic signal either tomorrow or Wednesday.

We in the city of Scottsdale are very pleased and certainly the transportation department is very proud of the fact that all of the measures listed in this nationwide document are practiced by the city of Scottsdale. And, again, the goal of this document, the goal of those five measures is to reduce pedestrian fatality.

This particular page is an excerpt from the transportation engineers journal. We just received this publication yesterday. I read it for the first time this morning and it has comments about ways to improve the health of our country. Better said, the health of the citizens of our country and it references walkable, connected, neighborhoods. What it says is green, vibrant, walkable, public spaces improve social ties within a community, which is key for both mental and physical health. Livable communities allow residents to age in place, without needing to travel far for basic services.

[Time: 01:15:28]

Brian, if we could return to the PowerPoint, please. Thank you, sir. This is exactly what we are requesting this evening is the authorization to finish the design and construct the cactus path, between Anasazi school and 128<sup>th</sup> Street. This particular sidewalk was requested by the previous Scottsdale unified public schools, the superintendent, David Peterson and the previous Anasazi school principal, Jeff Quisberg.

This is a photograph of the vicinity around the proposed cactus path. Again, Anasazi school, Cactus Road right-of-way, connection between 128<sup>th</sup> Street and 124<sup>th</sup> Street this large, beautiful area here is the Preserve. The Preserve is wonderful. I'm very proud to live in Scottsdale and have the Preserve in my backyard. I'm very glad and I work very hard to make sure that I buy things in Scottsdale so some of my tax dollars go to support the Preserve. It's a wonderful, wonderful environment.

This community, Sonoran heights is also a wonderful community, a very critical part of our city, a very important part of our city. This community, Sonoran heights as private streets, without sidewalks. It's gated and it is -- there's a fence around it. So both the Preserve and the Sonoran heights community provide a barrier between the residential neighborhoods east of 128<sup>th</sup> street and the residential neighborhoods west of 124<sup>th</sup> street. These are lovely, wonderful community, wonderful neighborhood in our stay, wonderful Preserve.

Unfortunately they have a disadvantage of being a barrier to the walkable community that I just referenced from the institute of transportation engineers journal. What we are requesting is simply a sidewalk between 128<sup>th</sup> Street and Anasazi school to allow people who live in this area to walk on this path, either to Anasazi school or to the lost dog wash trailhead or to the residential communities west of 124<sup>th</sup> Street. And we recognize that many of these -- many of the people who use these shared use paths, they really don't have a destination in mind. They are simply out enjoying the beautiful Scottsdale climate and the beautiful Scottsdale environment. They are just going for a walk. We would like to provide them a concrete path so they can walk on that path, so they can learn to ride bicycles. If they are in wheelchairs, they can ride their wheelchairs if they have young children, instants in strollers so they can walk with the strollers. This is what we are requesting this evening.

This next slide shows the length of the path. The proposed path is in light blue, it's .4 of a mile long. There is one conflict point in this .4 of a mile path, between 128<sup>th</sup> Street and Anasazi school. The conflict point is the intersection of 128<sup>th</sup> Street and the partial half street of Cactus Road that exists.

As I indicated in the governor's report, the separation of pedestrian paths and motor vehicle paths, is

the best way to reduce pedestrian fatalities and injuries. That's what we are proposing. Without this short light blue line, people need to walk or bicycle or use skateboards or razors this yellow path, from 128<sup>th</sup> street and cactus down to the Via Linda, along Via Linda and then north on 124<sup>th</sup> street, which is three-times the length, more importantly, there are eight conflict points between people using this sidewalk and motor vehicle driveways and intersections. This is obviously a much safer alternative, a much more direct alternative, simply a better alternative.

[Time: 01:20:05]

This next slide shows the same information, traveling to the lost dog wash trailhead which is a beautiful facility. I always like to go there and start hikes into the Preserve from there. Again, if the Anasazi path -- I'm sorry if the cactus path, the sidewalk is constructed, it's .7 of a mile, from this intersection to the trailhead. Again, only one conflict point and that's here at 128<sup>th</sup> point and Cactus Road.

Without this path, without the proposed path, then people need to walk or bicycle or use their strollers or wheelchairs a distance of 1.7 miles. This time there are 12 conflict points, between pedestrians and motor vehicles. We suggest the short path with one conflict point. This is superior alternative.

Concrete shared paths are common in the city. We have 100 miles of these paths. Our transportation master plan requires or includes or is planned to provide 190 miles more of shared use paths. This .4 of a mile path is just one of those. This particular slide shows a paved concrete path. I suggest you study it hard. It's hard to find that path, but the path is there, intermingled, interspersed between houses. It's on my right here. Shared use path between the homes to the in the and the homes to the southwest. This is in Grayhawk. This is easy to see the path and this is in McDowell mountain ranch, and you can see that that path is adjacent to single family residential homes.

Over the past three years, we have had many communications with the Sonoran heights representatives. The typical path attributes or characteristics are on the left side of the screen and on the right side of the screen are our proposed characteristics for cactus path, we are recommending an 8-foot wide path instead of our standard 10-foot wide path. Also we are proposing a dark tan colored concrete instead of the gray concrete which really looks white. The Sonoran heights community has requested that the path be curvilinear, not straight. We concur with that request. It will be curvilinear.

Typical shared use paved concrete path have a 20 to 30-foot buffer between the path and residential homes. We are proposing a 55-foot minimum separation between this concrete shared use path and the homes. Typically, we have striping on the paths to separate travel directions. We are not installing striping on this path to minimize its, I guess, intrusive appearance into the neighborhood. Also, we typically have lighting on our shared use paths. We are proposing to not have lighting on the shared use path. Again, these changes in the design for this particular shared use path were determined through conversation with representatives of Sonoran heights.

Between the path and trails subcommittee and the transportation meeting on this topic, a representative of the Sonoran heights, requested to meet with a path and the trails subcommittee and a member of the transportation committee and so we were asked to provide additional changes, additional modifications to the design of this path by a representative of Sonoran heights and we were very pleased to, first, meet, next listen to the concerns of community, better said of the neighborhood and agree to all of these additional changes in the design of this path.

And I want to say quickly, the Sonoran heights very clearly that the preference of the Sonoran heights does not want this constructed. And I'm sure you will hear about their opinion a little later this evening.

But if the path were to be constructed, these seven attributes were also requested. First, to move the cactus path as far north as possible, as far away from the homes as possible. Second, to use a darker colored concrete than currently exists with the Anasazi path that's immediately adjacent to the Anasazi school.

The current path does not have a shoulder. It's an abrupt edge because of drainage reasons but there are sharp angular rocks, and the Sonoran heights representative requested that should the cactus path be constructed on the current path, adjacent to Anasazi school, we provided 2 to 4-foot stabilized shoulder on either side of the sidewalk, and we certainly agreed to do so. And that also, we provide that same 2 to 4-foot shoulder stabilized material adjacent to the 8-foot wide new path.

[Time: 01:25:54]

The representatives of Sonoran heights was very concerned about wash crossings. The proposed cactus path has at least two relatively large wash crossings and probably some smaller wash crossings as well. They requested that the cactus path be at exactly the same elevation of the existing ground. We concurred with that completely. And their certain was that the path would either act as a dam that would create ponding issues or that it would act as some sort of -- pardon the expression, I won't use an engineering expression, but I will use a more general term, a very short waterfall, increasing the speed and velocity as it comes over a path. We completely concurred that we will make certain that this shared use path concrete be at the exact same elevation as the existing washes.

Additionally, the Sonoran heights representative requested that we have additional landscaping, additional vegetation between the cactus path and the homes to the south and we concurred with that as well. We want to be very careful with that vegetation. The intent is to restrict the view of people from the shared youth walking or bicycling along it, into the homes but simultaneously, you recognize that many of the people who live in the Sonoran heights like the view to north, to the Preserve. So, yes, we will be cognizant of both ever those requests which are somewhat contradictory but we believe that we can discover desert landscaping that's commensurate with desert landscaping. That's a bad word. Preserve vegetation and be able to accommodate those two requests.



And finally, we were asked and quickly agreed that we would provide design review to the Sonoran heights communicate prior to completing the design and prior to beginning construction. There have been suggestions that the concrete path really should be gravel and there are several reasons why we believe that the concrete is preferable to gravel. First, it's compliant with the Americans with Disabilities Act. This act was -- is a federal law. It was passed approximately 25 years ago. It requires that facilities for, let me say nondisabled people be also usable for people who have physical challenges. It's essentially requiring concrete so that people in wheelchairs and strollers and bicycles with limited physical capabilities with walking could also use the facility. This is a federal law. More importantly, it's an excellent idea. It's simply a good idea to create, as it says here, all weather, firm, stable paths that people who are not able bodied can also use.

And I will say this, it's also important that it be adjacent to the Preserve so that people who have those sorts of disabilities can also enjoy the Preserve and can also look at our beautiful Scottsdale Preserve. A concrete path is usable for all bicycles, not just those who have expensive mountain bikes. It can be used for people on -- using in-line skates or roller skates, also skateboards and also razors -- pardon me, I didn't know what a razor was but it's essentially a short, narrow skateboard with a handle bar. Typically used by young children. Again, as I mentioned earlier, paved concrete is compatible with young bicyclists, people on bicycles with training wheels, people learning to ride bicycles for the first time, people who simply want to ride a bicycle away from motor vehicle traffic. Also, strollers and wheelchairs can use concrete.

Paved concrete has substantially lower maintenance costs. Gravel paths tend to have a lot of wear and damage that needs to be maintained. The gravel, the rock needs to be replaced. Typically it needs to be replaced after rainfall. Much lower maintenance costs with pavement. Replacement costs are also much less with pavement and with gravel. This is substantially longer life with concrete.

Throughout the city of Scottsdale we have, as I said, currently 100 miles of paved path. We also have approximately 100 miles of trails in our city, outside of the McDowell Sonoran Preserve. It's wonderful to have both facility times. Some people want to use concrete. Some people want to use gravel.

The city of Scottsdale, we are proud to say accommodates both types of users. We believe this .4 of a mile ought to be concrete. The Preserve exists and as you will hear from Kroy soon, the Preserve has trails that are relatively close to this location. In Scottsdale, the vocabulary use is that a path is concrete, a trail is gravel. I believe Kroy, you are up next.

[Time: 01:32:13]

Preserve Director Kroy Ekblaw: Good evening, Mayor and members of Council, Kroy Ekblaw. A good outline of where we are located on this. This series of slides will look at the eastern section of the path, and what we have in this aerial, from 127<sup>th</sup> street to 128<sup>th</sup> -- oops, I went the wrong way. So this area of yellow that's now showing up here, identifies areas that are in the Preserve, just north of the pavement of the street, that have historically been disturbed, and be it from the original old dirt

road or from the construction that occurred and then continuing. This is an area of disturbance that occurs within the boundaries of the Preserve.

This next slide identifies as the requests came forward for the concept, could the path be located further north into the Preserve? And that ranged, the requests whether that was 20 feet or 100 yards, but would require going into the Preserve, into areas that are not disturbed at this point in time. From the standpoint of the Preserve staff recommendations, we were suggesting that to keep the path somewhere within the disturbed areas would be most favorable area, even if it might be within the Preserve, in that area north of paved street, that that would be in there. We took, as this concept evolved, just short of two years ago, May of 2015, we presented this to the Preserve commission, and basically something similar to this extent as far as outlining concept and the options. The general direction from the commission, and, again, we didn't have final design up to this point, but it was to minimize the intrusion into the Preserve and maybe take advantage of these disturbance areas and bring back a final design when we have that.

So this is the eastern section. And this will look at the western section and this is the part then that you can see the Preserve in kind of green highlight, and as we move to this section, from 127<sup>th</sup> over to the Anasazi school and you can see in this area, the pavement as already referenced earlier. And here you can see this line in this area and some of it is in the Preserve. This is the existing ring tail trail. Some of it is within the right-of-way and that's showing up these two white lines here. There's a water line in this. This area was disturbed again, be it the old two-lane dirt road that occurred prior to development or during development, there was some extensive grating in this area and a water line that was put in. That water line will always require access and maintenance capability in this area.

So, again, this graphic shows some of the relative disturbance area. Some of that is in the Preserve existing, some of that in the right-of-way. Again, showing some of the reference and the interest to push that path north into the Preserve, similar to the eastern sections. Staff did not find that to be the best use. We felt, again, locating the path within the disturbance area would be most practical, require the least amount of revegetation, and, again, some of that could be within the Preserve, and some that might not be. That next slide takes that. And if you were to interpret simply that the path should not be in the Preserve, it would be more or less this blue line, and then you would have some -- you would have some new disturbance in the right-of-way, and then we would have to do some restoration in the areas in the Preserve.

So that's the concept that we have been working, that was the direction that we took from the Preserve commission and, again, waiting final design, we would take that back and resolve that.

One other thing that we have had discussions with, some of the representatives of the neighborhood, again this blue line here, indicates the ringtail trail alignment. And this yellow line, roughly, the location of the path, and what we have committed to doing is that we would relocate a portion of the ringtail trail and the trail would be native material and there would be access points. We would maintain access, neighborhood access from 127<sup>th</sup> street into the ringtail and there would also be neighborhood access from Anasazi school, which it would follow this old alignment or not, we would

resolve that at the time of the trail and moving forward with the path. So those are the recommendations that both Preserve staff and the commission had provided up to this point. So with that, Paul, you can continue with your presentation.

[Time: 01:37:38]

Transportation Director Paul Basha: Thank you, Kroy. And, again, Kroy Ekblaw is our Preserve director. This next slide shows a little more detail about -- about the ownership of the land in this vicinity. The Preserve boundary is this line right here which is the north edge of the existing partial half street of Cactus Road. Cactus Road right-of-way are these two right lines identified with red arrows and then there as a public utility easement that's south of the Cactus Road right-of-way.

This particular half street, for one block, from 127<sup>th</sup> to 128<sup>th</sup> Street, was constructed coincidence or concurrent with the Sonoran heights development. When Sonoran heights was initially proposed just prior to its construction, this area was not Preserve. This area was privately owned. The assumption and the general plan in Scottsdale showed this area as single family homes. Very similar to the single family homes that now exist with Sonoran heights. So this half street of Cactus Road was constructed by the developer of Sonoran heights in anticipation of similar homes being constructed on the north side of Cactus Road, and that development dedicating another half street for Cactus Road, the half street, and then paving the half street of Cactus Road. Two halves make the whole street. That was the intent.

Fortunately, we now have this land as Scottsdale Preserve, and we no longer need Cactus Road. However, we in the transportation department -- and I would also state the path and trails subcommittee and the transportation commission all believe that a paved sidewalk, which would have been constructed with Cactus Road, be constructed now. That the sidewalk with Cactus Road exists in isolation as a paved shared use path. You heard Kroy reference the disturbed area. That's shown in this aerial graph outlined in yellow.

The next slide is a street view of that disturbed area. This is Preserve. It is not exactly what we had in mind when we tasked ourselves to create a Preserve. This gravel and these large rocks, that's not the Preserve. It's the disturbed area.

Our suggestion is that we build the cactus path in this area, provide additional vegetation on the south side, and that's what the path would look like. I keep referencing this partial half street of Cactus Road and you can see this vehicle in it. This is a one-lane street that is used for two directions of travel. Please don't tell my professors in university that I'm responsible for a street in the city that's a one lane with two directions of travel. This is our recommendation to you.

This is the shared use path that we are suggesting be constructed. Notice it's next to the existing Anasazi path. And notice it's as far north as possible. Notice that it's virtually adjacent to the existing partial half street of Cactus Road. It will connect to the north, 128<sup>th</sup> Street is also a half street. When we develop the ringtail trailhead, we the city of Scottsdale as the adjacent property owner will need to connect the west path of 128<sup>th</sup> street and that will contain a sidewalk to the north.

To the south there's already an existing sidewalk. We will soon be striping bicycle lanes, both northbound and southbound on 128<sup>th</sup> street, and, again, the path will connect to Anasazi school.

This is a straight view photograph of the existing Anasazi path. It's -- it's immediately adjacent to Anasazi school. It's simply a sidewalk. It's a sidewalk. As we said earlier, the Sonoran heights residents believe this color is too light. We are happy to make that color darker so it blends in more with the native ground.

I'm hoping I remember the slides correctly, but I believe that the next several slides will be the existing shared use path that we constructed last year, and opened last fall. Oh, thank goodness! What we have is several slides that were taken by representatives of the transportation department of people using this Arizona canal path. I will remind the council that back in 2012 and 2013 and into 2014, there was considerable resistance to this paved path. People who lived adjacent to the location of the proposed path were very concerned about the concrete path. One side of the canal on the east side is gravel. This concrete shared youth path is on the west side.

Several slides of people simply using that path that residents were opposed. We anticipate these same types of Scottsdale residents will be using this facility of cactus path should it be constructed. I want to pause and look at. This is a concrete path own the west side of the canal. Let me tell you an elected state official lives in one of these homes.

Notice what they did here, there's a drainage channel on the north side -- I'm sorry on the west side of the paved concrete, that is on the east side of the single family homes. What this resident did was construct a bridge from their home over the drainage channel so that they could get to the path and use it. Some more photographs of people enjoying our shared use path along the Arizona canal. Again, these are the type of people that we expect to use the cactus path, should it be constructed.

As I mentioned, the cactus path was presented to the path and trail subcommittee. They voted 5-0 to recommend that the cactus path remain in the transportation master plan. Also, the transportation commission voted unanimously 6-0 to allow the cactus path to remain in the transportation master plan. The transportation department recommends that the cactus path remain in the transportation master plan, and that the council authorize us to continue the final design, which would be in collaboration with Sonoran heights residents and then construct the path. That concludes my presentation. I would be happy to answer any questions you may have, Mayor and council.

[Time: 01:47:00]

Mayor Lane: Thank you, Mr. Basha. Yes, we will probably have some additional questions of you, but we do have a number of requests to speak on the subject. So I'm going to go to those first, but certainly stand by. I will start with Fred Leeder, who has some supporting cards from Nancy Leeder, Edward Kurtran, Jordan Rose. So with four total cards, I will go to four minutes.

Fred Leeder: I get a total of four minutes?

Mayor Lane: Yes. So you need more?

Fred Leeder: Well, I thought, you know, after we just had almost an hour presentation, I could get a little bit more of my statement in, but --

Mayor Lane: We'll go to five minutes, but that's certainly within the realm of discretion.

Fred Leeder: That's just fine. Thank you, sir. Now that people who live there will speak. Good evening, Mayor Lane, city councilmembers, ladies and gentlemen, my name is Fred Leeder, and I live at 12589 East Laurel Lane. I have been working on behalf of the Sonoran heights community ever since we have been informed about the transportation department's plan for the concrete sidewalk then called the Anasazi multiuse path and their leading option for the path which then was to care up Cactus Road and close one of our community gates so they wouldn't have to -- we think so they wouldn't have to try to get the Preserve commission to agree to use Preserve land, but they did that later anyway as you heard. The community was so enraged at that, that a petition was circulated and within a couple of weeks, more than two-thirds of our 263 homeowners signed it.

I believe you are familiar with the reasons for that delay of a year in submitting it to you finally, at the city council meeting on February 7<sup>th</sup>. The petition stated that homeowners did not want the sidewalk to be constructed, period. And that we did not want our Cactus Road access closed off. We, of course, have several problems with spending 210,000 tax dollars or more on a simple sidewalk, designated the lowest possible priority that is not wanted or needed in or near the Preserve environment. One concern which affects every Scottsdale taxpayer is the current demand for -- for transportation and other infrastructure funding throughout Scottsdale with so many critical demands that will not be met because the money isn't there for even high priority projects. One the many reasons for this is the repeated failure of Scottsdale citizens to vote for necessary funds, perhaps because of a lack of faith and credibility, caused by what they see their city governments' revenues actually being spent for.

An article in the February 15<sup>th</sup>, 2017, Scottsdale republic reports that, "Scottsdale could see record high sales tax collections in fiscal year 2018, which begins in July but city leaders say that may not be enough to meet growing demands for infrastructure, along with day-to-day operations." Budget director Judy Doyle is quoted as telling city council that, quote, difficult decisions will still be -- will still need to be made as we, again, will not have enough revenues to meet all the needs and priorities our city. I think I can suggest an easy decision for you tonight. The article goes on to Shea that a growing list of infrastructure projects park improvements to police improvements could cost more than \$84 million over the next five years. The city officials' wish list, it reports includes more than 40 new and replacement infrastructure projects, nearly half of which are unfunded, including the construction of a new fire station. The article continues. The purpose of the meeting they were attending really is to give you an idea of the magnitude of the unmet need that we are matching up against those limited funding sources, public works director Dan Worth said.

So has Mr. Basha considered reprogramming funds or putting on hold his low priority projects. Isn't 100 miles of path, enough for now, at least until urgent needs are met. These are reasonable questions. This reminds us of the February 18, 2016 capital improvements briefing Mr. Basha gave to the transportation commission. Slide after slide contains lists of major projects historically funded each year that would be cut in half in the next five years. Other slides contained lists of unmet needs and high priority projects that he said had to be put on hold, pending available funding. This included, the traffic light sensors buried in the pavement that need to be replaced, but he is not optimistic. He was not optimistic. The citizens had voted down the bond election and so future funding was in doubt, however, what he called the infamous Anasazi path at the time, would proceed. It seemed that everyone understood what he meant by that, except us, and now we know. Those of White House have been in business and government careers, 41 years in the federal government, in the military are totally surprised by the funding which sometimes allows priorities and common sense to be ignored and I will skip some of this down here since I'm running out of time.

I trust you have seen the photos we provided from our ground level perspective as Preserve neighbors and Preserve users. They show what this delicate terrain and cactus and other plants now look like. Of course, the slide Mr. Basha showed you is actually the wash out of the Preserve, as it crosses Cactus Road and flows into our community. No wonder it's disturbed. Please keep in mind that if you do not remove the cactus path from the transportation master plan tonight, there will be irreversible damage done to Preserve and desert terrain that was not intended for those who set up and paid for the Preserve, the citizens of Scottsdale and as Preserve neighbors and users, we will be reminded every day of tonight's city council meeting. Thank you.

[Time: 01:53:34]

Mayor Lane: Thank you, Mr. Leeder. Next is Diane -- I'm sorry. I'm sorry, we don't allow applause except for the girl scouts and boy scouts. I mean, we don't allow booing either. I appreciate your sentiments.

Next would be Diane Annett and she has support from Suzanne Cushman.

Diane Annett: Mayor Lane, city councilmembers, ladies and gentlemen, my name is Diane Annette and I live at 12669 East Laurel Lane in the Sonoran heights. On July 5<sup>th</sup>, 2016, city council voted 5-2 to adopt the 2016 transportation master plan. Now, no one expects city council to have the time or even the reason to review such a huge and detailed document in advance of those key public meeting during which the master plan was presented by the transportation department of staff. And then voted on by you. And we all know you had bigger fish to fry at that meeting anyway. Nevertheless, had we had the same opportunity as tonight, to submit our petitions and present our case to you, to stop the construction of the cactus path, before that July adoption meeting, we're confident that the cactus path never would have been listed in the 2016 master plan to begin with.

Unfortunately for us, as you may know, we had been informed by Mr. Basha on March 22<sup>nd</sup> that he had been directed by the city manager to, quote, discontinue all efforts on the Anasazi multiuse path, end quote, and suggested we pursue abandonment of Cactus Road by the city. And so we have

celebrated. We put our papers back in the box and we halted our opposition. It was on May 25<sup>th</sup> that it was a deception and delay tactic, so that we couldn't get on the agenda before you voted on master plan. And so it is in the transportation master plan, a half mile segment from 124<sup>th</sup> to 128<sup>th</sup> Street is right here on page 49. As you may recall from the February 7<sup>th</sup>, 2017 council meeting, where you accepted our petitions and voted to hear our case, our attorney had been notified only a few hours earlier by Mr. Basha that the city manager had decided that we would not be given the opportunity after all to get on the city council's agenda. Nevertheless, we did get on tonight's agenda and all of you and that you obviously respect public opinion and right for citizens to be heard.

Our experience with the city government in this matter, as I just described, and the facts of the matter lead us to believe that there's something very important about the cactus path that we're really not aware of. So let me give you a brief example. From the pages of the 2016 master plan. The facts are that there are 279 proposed shared use, non-motorized path and bicycle lanes listed on pages 45 through 50. This appears to be Mr. Basha's wish list and we would assume that very few have been funded or even designed and engineered at this point. There are 90 high priority paths totaling 48 miles, 95 medium priority paths totaling 47.9 miles, and 94 low priority paths, including the half mile cactus path, bringing the total of that to 73.3 miles. So all to go, that's 169.2 miles of proposed theoretically as yet to be funded designed or engineered paths in the same category as the cactus path. This means, again theoretically that there are almost 100 miles of high, medium priority paths ahead of the 93 low priority paths. So the cactus path represents less than 1% of all proposed paths. How important can it be?

Mayor Lane: Ms. Annett, if you could please wrap it up. You are out of time.

Diane Annett: If it wasn't for the \$206,000 taxpayer dollars. I walk in that path every day. And I carry an air horn because of all the coyotes that I run into. So that's something else to take into consideration. And we realize that some projects will shift up or down, but despite our effort -- our other efforts to withhold public opinion from you on this, you are hearing it tonight and our advanced information packages had a lot more where that came from. Thank you.

[Time: 01:59:14]

Mayor Lane: Thank you, Ms. Annett. Next is Patrick Dale. Support from Doug Wendt. Four minutes.

Patrick Dale: Mr. Mayor, city Councilmembers, my name is Patrick Dale. I live 12633 East Calle de Valle Drive, Sonoran heights. We are told the Department of Transportation doesn't need to conduct user surveys to project the potential using of a multiuse path, but they do have projections for streets but we have a number of Anasazi elementary parents and they have children attending Anasazi participates of elementary school children, have told us that they would not use such a path in a desert. Nor certainly even their older children. Mr. Basha told us in February 2016 that no one in the community east of 128<sup>th</sup> Street had asked for the path for any reason. We know from our observations that few children walk to Anasazi from anywhere but the closest adjacent homes compared to those who drive their children or put them on a school bus. We also estimated there

were very few elementary school children in communities east of 128<sup>th</sup> street. Many of them go to other than public schools and all of them are driven by parents or school bus.

This is not because of the absence of the sidewalk which wouldn't be connected to the community's anyway. There's no sidewalk at 128<sup>th</sup> street and cactus path now. It's just a street. People are racing through the trailhead. Many of them go to other than public schools like I mentioned, but it won't be connected because there's no sidewalk there. No crosswalk, no speed bumps or anything. Parents choose to drive their kids to school, put them on a bus about one of our calculations show so few of Anasazi students live east of 128<sup>th</sup> street and within a half mile, all walked every day, it would be less expensive to fund the trips by Uber. But we know the parents would choose to put them on the bus or drive them anyway. The cactus path would be much less safe and secure than riding in a vehicle. For a parent to walk their mile one mile to Anasazi and possibly 100 degrees and without shade or any of that. Surprised thunderstorms, it's absurd. We even mentioned that the dozens of coyote and rattlesnake reports right where they go across the washes.

The transportation park staff also said that the cactus path would serve others trying to get to the facilities of the lost dog wash and the trailhead. By the mile long trek they would have to take on concrete sidewalk between 128<sup>th</sup> street and the trailhead by way of 124<sup>th</sup> street we feel it defies logic or the elderly or disabled would park in the unfinished stone parking lot at 128<sup>th</sup> at the ringtail trailhead. And then something we haven't mentioned their way back. This is not a flat -- it has a degree or two in my engineering assessment, of incline. So you are not going to see people on wheels running up and down both ways. It's unidirectional for those uses. We use these trailheads and know that hikers and mountain bikers do not want the cactus path and they won't use it and it's not why they come to the Preserve. Thank you.

[Time: 02:03:23]

Mayor Lane: Thank you, Mr. Dale. Appreciate that. Next is Mr. Dan Hart. You have four minutes. Support from Paul Wise and Nancy Wendt.

Dan Hart: Good evening, Mayor Lane, city council, ladies and gentlemen. My name is Dan Hart. I live at 12529 East Jenan Drive of Sonoran heights. I have been the president of the homeowners association there for about ten years. It is in a very serious way that I say to all of you that I appreciate your service. At the very, very local level, where I am, it's often a thankless job and -- but it is something that you recognize that has to be done.

We are all here because we care about our community. That is how we managed to organize this effort in the first place. The petitions and that sort of thing have all come together and it is with pretty much unified voice that we appreciate you very much allowing us to come tonight, recognizing our petitions and letting us speak to you. I don't know about everybody else, but with respect, Mr. Basha pretty much wore me out tonight. It's been a very long and frustrating wait for us to get here and this has been sort of typical. We have participated in public meetings with city officials. We had a meeting with the path and trails subcommittee, transportation, Preserve and even the Anasazi elementary school P.T.O. at each of these venues and countless letters and emails. It was



obvious that there were some going back three years.

We have done our best to express our reasons for not wanting this path and the list is long. It's in your presentation there. I have to say that the city government supposedly has -- you know, is interested in taking public opinion, but it's been a very frustrating process for us. We feel like we have been misled. We know that we have been put off. And it got to points where it was -- it was hard to believe that this was happening from our -- from our own government, when we were simply attempting to express our concerns and ask legitimate questions what is going to happen with the drainage when it goes through there? Who is going to use this path? And why is it that it's okay for it to suddenly be in the Preserve when the Preserve is supposed to be sacred?

There are many issues that we take issue with. The transportation director Basha told the board members our community manager and our attorney at a meeting in February of 2016, that, quote, you don't have a veto. No community has a veto. If everyone had a veto, we would never get anything done, unquote. So, I mean, it is -- it is this thing that makes us scratch our head and wonder, you know, when will our chance be to actually express our opinion? Tonight's the night. So we appreciate that.

There are bullet points here that I have that I'm not going to repeat. They are in your presentation. There I do want to say this. I'm not sure where the statistic for a 1.4% increase or whatever the chart showed that Mr. Basha put up there came from related to pedestrian fatalities but I can tell you, it didn't come from this area right here, in the state of Arizona. I know that tonight before your vote, it's impossible for you all to consider actually coming out there and looking at that, and that's the regrettable thing. If you knew the way we know it, you would know that there is some real faults and problems with the logic that's been presented here tonight.

And one of the things I would like to point out simply, and I'm hurrying. You will not gain anything by putting the path across up there because people do not start at 128<sup>th</sup> and walk down that way and across that way, and up that way. They don't do that. They are driven if they are a student to school or the buses take them or they walk straight through our community. They are not going to detour up there, if they are anywhere down here. There is no sidewalk, Mr. Basha very clearly just said. There's no sidewalk on the west side of 128<sup>th</sup>. There is one on the east side, but this path delivers pedestrians to the west side of that path, where we have very serious traffic problems up there. Thank you very much.

[Time: 02:08:46]

Mayor Lane: Okay. Thank you. Next would be Paul Holley.

Paul Holley: Thank you, Mayor and Council. I'm Paul Holley. I live at 9990 East Desert Cove in Scottsdale. And I have been a member of the Scottsdale Transportation Commission for the last five and a half years, and was also a member of the Paths and Trails Subcommittee, and currently serving as the chairman of the Transportation Commission.

And I wanted to underline our belief that this is a very important feature of the transportation plan. It -- there are four key reasons, four key arguments, I think that support this, the fact that this should be retained in the transportation master plan and there should be construction -- design and construction as soon as possible. One is the cactus path alignment has been in the transportation master plan since 1991, and predates the construction of the houses that are in the adjacent area. And predates this McDowell Sonoran Preserve. The cactus path has remained an integral part of the update to the transportation master plan since that 1991.

Secondly, the cactus path is a vital component of the paved concrete path network, the overall system and it's a very key element because there are elements to the east and elements to the west. So you really need to retain this link.

Thirdly, the cactus path alignment would not be cutting a new path. You have seen this. There's displaced -- there's been displacement. People have used this area for walking their dogs and jogging and access to school, whatever. So it's -- it's not a -- the path is not a new thing. What is new is that the pavement, the paved multipurpose, which would increase the use for people bicyclists, strollers, et cetera.

And finally, the transportation commission and the path and trails subcommittee have both unanimously endorsed this -- the retention of the path in the master plan. So with that, we urge your continued support. Thank you.

[Time: 02:11:57]

Mayor Lane: Thank you, Mr. Holley. Next is Mr. Mark Stuart.

Mark Stuart: I've got a one-page slide I would like to present. Can you see that? Can you bring that down so everyone can see it?

Mayor Lane: Mr. Stuart, this is commentary on this particular agenda item.

Mark Stuart: If you would let me start, then I can tie this into this and then I will persuade you that you should put the save our Preserve ballot initiative up for a public vote.

Mayor Lane: I'm sorry. That's not within the jurisdiction.

Mark Stuart: That's going to cost you \$40,000. Would you please stop interrupting me?

Mayor Lane: I understand that but I am just telling you, I understand from what you are saying, and we won't start the clock if you want to speak toward an issue --

Mark Stuart: I'm going to speak right now and I will just talk over you.

Mayor Lane: It needs to be something within the jurisdiction of the

Mark Stuart: The reason -- [Overlapping speakers]

Mayor Lane: Of the city

Mark Stuart: This is an extraordinary occurrence

Mayor Lane: And not be for the promotion of --

Mark Stuart: You don't know what I'm speaking about.

Mayor Lane: I can see what you have on the screen.

Mark Stuart: Stop interrupting me.

Mayor Lane: I can see what you have on the screen and you just admitted you are here to --

Mark Stuart: I haven't admitted anything. I have got a sheet right here.

Mayor Lane: Continue. We'll give it a moment to decide.

Mark Stuart: Who is we? These people want to hear me speak.

Mayor Lane: Mr. Stuart,

Mark Stuart: Okay thank you.

Mayor Lane: Go ahead and continue.

Mark Stuart: Go okay. If it ain't broke, don't fix it. What struck me about the presentation and one of the previous speakers touched on this, was that everybody is unanimously opposed to this or a very small number of people are in favor of it, and we have other needs in the city. Other ways to spend the money. So let's take this money, and let's spend it in south Scottsdale.

Why is this necessary? Although, we heard a lot of sort of frivolity, we didn't explain how it meets any of the needs of the people that live there or anyone else. Now it does help us to retain a bloated city staff, and it does reinforce the idea that the staff doesn't work for the city. And that's a very, very serious problem, and if you are running for reelection, this is something that you need to deal with openly.

Where is the data quantifying the risk? One of the other speakers touched on this, but I am going to go a step further. That this man, Mr. Basha, fabricated that. And if he cannot come up with some data showing some actual quantifiable risk up there, he should be fired. Because he is supposed to work for us and we matter.

Why not issue Uber vouchers for disabled people? Just like we do for drunks or people that want to get home from the bars. If you want a ride to school, and you like to -- and you can't walk or your parents can't drive you, let's just do an Uber thing. We can have them bid on it. We can probably do that for \$20,000 a year for ten years. If you put concrete in, there's another reason to vote against this. If you put concrete in, it's bad for runners' knees. Let's think about long-term public health implications.

And last of all, this explains why we need the save our Preserve ballot initiative because the staff and the city council will have to prepare a written plan, put it out for a public vote and let everybody know what's going on, discuss it publicly in the open, and then we can sue to enforce it if you don't keep your word. So, thank you for your time.

Mayor Lane: Thank you, Mr. Stuart.

Mark Stuart: I'm not finished. I have 28 seconds.

Mayor Lane: Well thank you Mr. Stuart. I do appreciate your comments.

Mark Stuart: I do appreciate the fact that you feel threatened by my speaking and you feel the need to interrupt me. But that's not America and that is not Arizona. So I'm here to support all of these people and it's a long drive from there -- oh, one other thing. I ride my mountain bike. I have no problem getting in there. It's a Preserve. Let's preserve it. Thank you for your time and look to your conscience.

Mayor Lane: Thank you, Mr. Stuart. Please, I have asked, do not clap or boo. So thank you.

All right. That completes the comments on this topic from the public. And Mr. Basha, if you could return to respond to some of the questions maybe even that have been raised by the public. And if we have any comments or questions by any members of the council. I would ask that they consider it now. Let's start with Councilman Smith.

[Time: 02:17:05]

Councilman Smith: Thank you, Mr. Mayor. Paul, how long has this trail been in the transportation plan or how long has it been on the drawing board or whatever?

Transportation Director Paul Basha: Mayor Lane, Councilman Smith, since 19 -- 1991.

Councilman Smith: So 23 years or something like that? 20 whatever it is?

One of the speakers talked about this as being a trail that might curb -- not a trail but a sidewalk that might cost, I think the number they said was \$210,000. Does your department actually have an estimate of what the cost would be for remediation of the area and everything that's talked about?

Transportation Director Paul Basha: Mayor Lane, Councilman Smith, yes. That number is correct. Our initial estimate was \$210,000 for this particular path. There would be some additional expense with the vegetation that we agreed to, to install.

Councilman Smith: One of the speakers or a couple of them talked about where this is in the priority of things. I didn't study all the paths and what their priorities were, but is this one that has traditionally been characterized as low priority, as they suggested or high or medium or where is it in the ranking order of things?

Transportation Director Paul Basha: Councilman Smith, that is correct. It is a low priority, in the 2016 transportation master plan as well as the 2008 transportation master plan. It is quite common for the transportation department and the public works division to design and construct low priority paths, or low priority trails, when there's adjacent projects in the vicinity.

And the reason this path rose to the design and the construction level, is because we had an intergovernmental agreement with the Scottsdale Unified School District, to reconstruct the parking areas for Anasazi school, reconstruct 124<sup>th</sup> Street, and the intersection of 124<sup>th</sup> Street and Cactus Road and the portion of the path adjacent to Anasazi school. City council authorized that intergovernmental agreement approximately two years ago and the construction occurred in that summer. That project is complete. And this was envisioned to be part of that -- that final design and construction.

Councilman Smith: Part of your presentation, you talked about the importance of separating sidewalks from traffic and so on for -- and some statistics about fatalities and whatever. Is it your judgment that this .4 of a mile sidewalk would be an important component of preventing traffic fatalities in the city of Scottsdale? Is that the conclusion we're to draw?

Transportation Director Paul Basha: Councilman Smith, it -- it is virtually impossible to predict where a fatality is going to occur, however, transportation professionals are well aware of the circumstances that result in pedestrian fatalities. And those include pedestrians walking adjacent to high volume, high speed streets such as Via Linda. It also includes crossing any motor vehicle path like a driveway or a street. It is very, very unlikely that a pedestrian fatality would occur any location in the city, with it 128<sup>th</sup> and Cactus or some other intersection in the city.

However we know that pedestrian fatalities occur. It is our responsibility as the transportation professionals who work for the citizens of Scottsdale to do all that we can to prevent collisions and injuries and fatalities. And that is part of what we are -- part of the reasons we are recommending to you that we construct this concrete paved path.

Councilman Smith: But as to the question as to whether this .4 of a mile is the most important .4 of a mile, the answer is no. Is that the short answer or do I get another long answer?

Transportation Director Paul Basha: That's correct. No one single path in the city is the most

important path. But the chain is only as strong as the weakest link. There's an interconnected network of both paved paths.

Councilman Smith: If I can get on to my next and last question. You mentioned that you are not in favor of making this a -- what are you calling it? Crushed gravel or what do we call the trails, Kroy? What do we call these things when they are not concrete? You will have to speak for him because he doesn't have a mic.

Transportation Director Paul Basha: Councilman Smith, the slide that I suggested, termed it gravel.

Councilman Smith: You said that one of the reasons to reject that is that it's not A.D.A. compatible and that's fairly important. I don't think any of the trails within the Preserve are concrete, are they? And do they have an exemption for A.D.A. compatibility or -- and maybe Kroy is the one to answer that. I don't know.

Transportation Director Paul Basha: Councilman Smith, you are correct. We have a number of trails within the Scottsdale Preserve that are not Americans with Disabilities Act compatibility. We have over 100 miles of trails that are not compliant with that federal requirement. I'm not well versed in law and cannot speak to that particular issue but I can tell you that wherever it is possible for a governmental agency to provide facilities that are compliant with the Americans with Disabilities Act, they should do so.

Councilman Smith: I don't know that I have any other questions. I will make some comments though. I am obviously very concerned if we, in any manner, rationalize putting a strip of concrete into the Preserve. I'm unpersuaded that it's disturbed area. I'm unpersuaded that it's on the edge or it's necessary or provides network connectivity or anything else. If we open Pandora's box to make excuses for why we can lay a strip of concrete in a portion of the Preserve, we will have let the Genie out of the bottle, I think.

Second, I am unpersuaded that this is the most important place in the city to spend 210,000 scarce capital dollars. It has been awaiting completion for 23 years. And I don't think that repaving the Anasazi parking lot is going to change anybody's traffic patterns of how they get to and from school for 23 years. If does not seem to have connectivity, particularly to anything on the east and certainly the folks in the eastern housing development, I can't visualize they will send their young children parading through the city streets and across 128<sup>th</sup> street and then finally to connect to this concrete path.

I'm unpersuaded that it has any impact on fatalities and whatever all that discussion was about. We have a letter in front of us from the Dr. Birdwell from the unified school system, the Scottsdale unified school system that says up to 40 students could make use of the proposed path. Obviously something less than 40 then would and probably a lot of those are walking through the trails as they exist today.

A lot of what I'm hearing and heard for a long time, it sounded like build it and they will come. If we lay a strip of concrete from the Preserve through two relatively unconnected points then we will get

this flood of bicyclists and hikers and bikers and so on. So I'm not in favoring after proving this plan.

I think our action tonight is to provide direction and if that's in the form of a motion. I just don't see how we ever get rid of this thing, unless we take it out of the plan.

[Time: 02:26:20]

Councilman Smith: For myself, I will provide direction to the staff that we remove the cactus path from the transportation master plan and if anybody else wants to join in that, they are welcome to do so. Thank you, Mayor.

Mayor Lane: Thank you, Councilman. You may want to put that in the form of a motion at a point in time, but we do have some other comments on this as well. Councilman Phillips.

Councilmember Phillips: Thank you, Mayor and I would probably second that, except I don't know if that's the legal way to do that. Is it on the agenda to remove it from the transportation --

Mayor Lane: No, it would be to direct staff. This is a guidance issue. It's not an action item. They have to bring it back to us.

Councilmember Phillips: Oh, I see. So Councilman Smith, guidance, consideration, to come back to council to remove it.

Mayor Lane: To direct staff to bring it back.

Councilmember Phillips: Well, I would agree with that and the reason is, you know, the reasons that the residents gave and councilman Smith also, I too am not convinced the importance to the residents in the area. Anybody taking a trail will take that. I think any kids that cut across the school, probably are do that. Personally, I wouldn't let my kids walk across there anyway. When you hear about the coyotes and stuff.

The wash, I don't know about. You know, this, on the plan since 1991 and so was Cactus Road and Via Linda going to Fountain Hills. Those were abandoned and this can be abandoned. It doesn't connect east of 128<sup>th</sup> Street. It doesn't connect to any other multiuse path and then the concern of putting any type of concrete in the Preserve. So I think the problems outweigh the benefits.

I wouldn't -- I would go along with Councilman Smith's recommendation to have staff bring this back. Thank you.

[Time: 02:28:38]

Mayor Lane: Thank you, Councilman. Paul, just a couple of questions. One is, are we trying to put this sidewalk in the Preserve? I thought this was a right-of-way here for what was going to be Cactus Road.

Transportation Director Paul Basha: Mayor Lane, you are exactly correct. There is a right-of-way for Cactus Road. It was dedicated by the developer, the initial owner of Sonoran heights at the time of the construction of the homes. There is right-of-way along Cactus Road alignment. This sidewalk is in the Cactus Road right-of-way.

It was our initial intent to construct that in the Cactus Road right-of-way, however in the meetings with the neighborhood, they are quite attached to this partial half street of Cactus Road from 127<sup>th</sup> Street to 128<sup>th</sup> Street. Our initial thought was to retain that street and put the path on the south side of that street, still within Cactus Road right-of-way. They were opposed to that idea as well.

So then we discussed the idea of putting the sidewalk on the north side of Cactus Road in the disturbed area, essentially the non-pristine part of the Preserve in this area. So we are recommending that, yes, the shared use path be constructed within the Preserve for the -- within the current Preserve for this one block length.

And as we stated in the council report, we will need to decide if we should remove that area from the Preserve and what that mechanism would be, or we would decide that it should remain in the Preserve if it's a small enough area. I will note, Mayor Lane that we have several concrete paths in the Preserve. This would not be the first.

Mayor Lane: So the half street, if I might just drop back to that for a moment, the half street that was built, and that is being used right now, is on the south side? So it's a -- it was built out by the developer when they built that development, leaving the north side actually in the -- so the balance of that right-of-a what in the Preserve?

Is that because we sold it to the Preserve? Because that's only half the right-of-way. And I have to believe they built on the south side adjacent to the development, what their responsibility was for that half street would have been in the right-of-way, with future plans that the other side of the street would be the other -- would be so the north of it, because that's all Preserve. I want to make sure that I'm clear on that.

Transportation Director Paul Basha: You are exactly correct. This white line is the northern of the existing partial half street. The right-of-way is between this white line and this white line for Cactus Road. North of this white line is the Preserve, which was purchased by the city of Scottsdale from private property owners for Preserve property. You are also correct when the Sonoran heights was developed, the intention was that the property to the north, privately owned would also be developed, and they would dedicate the north half of Cactus Road.

Mayor Lane: I see.

Transportation Director Paul Basha: And then construction the north half of the Cactus Road.

Mayor Lane: Okay. I understand that. Obviously as far as the school is concerned, I'm interested



as to why the previous superintendent, the current superintendent and the principal all -- the past principal, all asked to have this maintained and for this path to be put into place. I don't know that they have gone into any greater extent on that conversation. But it's something that they have -- it's been in their plans all along.

Transportation Director Paul Basha: Mayor Lane, if I may, I would like to introduce other people from the transportation department who are with us this evening. One is George Williams. He's one you have our principal traffic engineers. He's been involved with this project for a very long time. Also with us is Susan Conklin who is a senior transportation planner, also involved with this project for a long time. I will tell you, both of these individuals, Mr. Williams and Ms. Conklin are trained, national safe routes to school instructors. They are very, very familiar with the concept of providing safe routes to school. George has been very involved with the previous superintendent, the previous principal, and George is probably the best person to answer your question there.

[Time: 02:33:48]

Principal Traffic Engineer George Williams: Mayor and Council, good evening, George Williams. I did work with the previous principal, Jeff Quisberg for a long time, a number of years, a number of projects along with David Peterson, the former superintendent. They had requested the connection and wanted that to go through. At one point they had students that would come through from the Sonoran heights area and some of those trails, the dirt trails were actually blocked off at times with vegetation and some residents had actually put cactus across some of those trails. And so they wanted something a little more permanent. So that was one of the things that this he had requested.

The section that they were talking about previously was down just below where it says 125<sup>th</sup> Street, right on south side of the fields -- no, on the south side -- about four more houses down. So that's the section where the kids used to cut through but it was not public. It was private and this was blocked off at one point according to the principal and the superintendent. So they asked for this connection for a long time.

[Off microphone comments]

Mayor Lane: I'm sorry we can't take it from the audience. I appreciate what you are saying. So the students can cross through this gated community or not?

Principal Traffic Engineer George Williams: There's no -- Mayor, if I might. There has no public access through there. And there's no A.D.A. access. And I don't know if you want me to touch on it, but this would be different than the Preserve trails. We did talk to the civil rights expert for Arizona and New Mexico, to check with them. They work with the Department of Justice and work for federal highways and this would be different. They said this does need to be. The right-of-way connects public uses like a school and to a trailhead that has A.D.A. amenities. It's not a rugged trail for recreation in the Preserve. So they would look at it very differently.

Mayor Lane: Thanks, George, I appreciate that. I look towards the general plan mobility element, and I know that the general plan -- the master plan for transportation also looks toward it but not just safety and connectivity, but also maintaining the integrity of regional networks to help reduce the number and the length and the frequency of automobile trips and improve air quality. I know that forms a basis of a lot of what generates some of our -- not only our interests but our direction on this.

Was this -- this was a gated community before the land to the north was part of the Preserve? So it was approved as a gated community?

Transportation Director Paul Basha: This was originally constructed as public streets.

Mayor Lane: Oh, all right.

Transportation Director Paul Basha: And sometime in the past, the community requested that the public streets be abandoned and become private streets, so they could install gates. I don't know the timing of that relative to when the Preserve was acquired.

Mayor Lane: It was before the Preserve.

Transportation Director Paul Basha: The gentlemen in the audience indicated it was before the Preserve.

Mayor Lane: We'll take that for -- for evidence of that. So -- okay. So we do have a blockage. The idea of safety -- when I say, that I'm talking about getting to the school and the gateway and from the neighborhoods to the east. If this is shut down -- I'm presuming that there are students who still use this now?

[Off microphone comments]

Mayor Lane: I'm sorry. I can't do that. It has to be a matter of record.

I will assume that there's no immediate need for this. We don't need to put up a fence to prevent children from walking through there and prohibit it. But it's identified, by a number of sources that it's a low priority. At some point time in time, did this plan include closing that gate there on 127<sup>th</sup> street? Is that part of what the master plan called out for?

Transportation Director Paul Basha: Mayor Lane, no. There was some, I guess, discussion of closing and removing the south half street of Cactus Road but we are no longer discussing that at all. The gate that exists at 127<sup>th</sup> Street on the Cactus Road, in our opinion, should remain forever.

Mayor Lane: So master plan doesn't call out for that at all?

Transportation Director Paul Basha: Correct. The master plan in this area, only requires or suggests a sidewalk. A multiuse --

Mayor Lane: Well, some of the information that has been given to us said it was called out to close that gate.

Transportation Director Paul Basha: No, sir.

Mayor Lane: Okay. You know, when it comes to the A.D.A., I'm not sure if there's a problem with a sidewalk that's in a right-of-way, it has an sidewalk requirement. Ail sidewalk in the right-of-way, I don't know whether trails and I don't know anybody who can speak towards that, which trails whether they are gravel or not, whether that would -- if it's a trail, a gravel trail, and it's in the Preserve, whether it falls under the same kind of requirements as a sidewalk on a city street or at least on the city right-of-way.

Principal Traffic Engineer George Williams: Mayor, if I may. I had a lot of training in that but I also spoke to the person that is the Federal Highway Administration designee that makes the recommendation to the Department of Justice of whether we are compliant or not. The conversation based in the training and with the person on that is that it's the function of the path, not the location. So whether this was in right-of-way or the Preserve, they would not look at it one way or the other.

Mayor Lane: Okay.

Principal Traffic Engineer George Williams: They are looking at it as a function of going from a neighborhood to a school or a school to a trailhead and they would say what is your alternative route. Your alternative route is a mile further. They don't think that's a reasonable alternative for somebody in a wheelchair or disability. This he would say that the function is to get to a school or a trailhead or from neighborhood to neighborhood and that would fall under the A.D.A. act and would need to be compliant, whether or not the alignment technically was in a right-of-way or Preserve. So we did check to clarify that.

Mayor Lane: So the essence of, that if it was a gravel trail, it may not qualify, but it may also not be a problem?

Transportation Director Paul Basha: Sorry, Mayor. The gravel trail, it's very difficult to make a decomposed granite or any type of non-hard surface, A.D.A., initially over time, if there's any water drainage at all, it's very, very difficult.

Mayor Lane: Yeah. Okay. There is no path this now? I mean, nobody is walking on it for sure, so it -- it has become overgrown in and of itself.

Transportation Director Paul Basha: Mayor Lane, there is a trail now. An unpaved trail, and, yes, it is used.

Mayor Lane: It is used?

Transportation Director Paul Basha: Yes.

Mayor Lane: Okay. So -- well, my concern, I suppose is as it is with a lot of things we just put together a subcommittee on the construction improvement plans and projects to try to redetermine and sometimes reevaluate priorities. And so I'm -- I'm conscious and concerned about whether or not this warrants being raised to a level of being addressed right now.

But on the other hand, I do want to -- I do want to say that our transportation master plan ask to network to maximize travel routes, travel mode choices and access and mobility for all access and mobility. And we have a right-of-way that was intended to be a road and I'm concerned of eliminating that, what would become of it?

What other utilities better sides water are under this right-of-way? You mentioned water. Is there sewer line? Is there electric or any other utility that's under there as far as we know?

Transportation Director Paul Basha: Mayor Lane, I cannot tell you all the utilities that are in the public utility easement, but there's both a right-of-a way in a public utility easement.

Mayor Lane: Okay.

Transportation Director Paul Basha: And I know that there is a water line in one of those two and I believe that there are utilities in that same area as well. Again, our intention is to leave the partial half street as is. Leave all the utilities as is and simply construct a sidewalk.

Mayor Lane: So the only thing that would actually change, you have got proposed point .4 miles. Is that from 128<sup>th</sup> Street to the school?

Transportation Director Paul Basha: Yes, Mayor.

Mayor Lane: And so I don't know what constitutes that first portion, that block or so, but is that included as far as the .4 is concerned? That's the total distance there?

Transportation Director Paul Basha: Mayor Lane, the .4-mile is from 128<sup>th</sup> Street to the existing sidewalk that adjacent to Anasazi school.

Mayor Lane: Is there any consideration for leaving the road as it is and the further sidewalk there? I'm concerned with the idea that it's Preserve land and I am concerned about us moving into that direction.

So there -- if we just left the roadway there, as infrequently as it seems to be used, there's no problem with two-way traffic or very little issue with that, whether or not there was something between there and that gate and, of course that would be left open. And to the school.

Transportation Director Paul Basha: Mayor Lane.

Mayor Lane: I like the idea of people to be able to walk and bicycle and do other things from that area to the east, as well as the people in this community as well. And move to the gateway or to the school if they chose to, along that route. I guess I'm not convinced that we have a totally accessible gated community that kids could move through if they wanted to.

So we have a few other comments on it, and I will start with Mayor Klapp -- or Vice Mayor Klapp.

[Time: 02:45:00]

Vice Mayor Klapp: Paul, I have been up in this area and so I'm familiar with it and I don't know if it's clear to everybody. There is a small section of road that the proposal is to put the path to the north side of that road, and that's where you showed the disturbed area. That's where the path would go. And then that path would angle back over to the south, where there is a current gate and become a concrete path where there's currently where there's a gravel path. What you are calling a trail, make it into a path.

Transportation Director Paul Basha: Mayor Lane, Vice Mayor Klapp. That's correct.

Vice Mayor Klapp: So we only have the small section that is the disturbed area, which is currently part the Preserve but it was part of a road. So we have a choice of putting a path there or south which is much closer to these residents on the other side of the road and then connecting to the path that is there now past the gate. So we have those kind of choices.

So what you have done, as I understand it, worked with the neighbors to try to get the path moved north, away from them, and that's the reason why you are -- you are wanting to do a short path there, as part of the Preserve and then it would go back to the current gravel area and become a concrete path?

Transportation Director Paul Basha: Vice Mayor Klapp, that is correct.

Vice Mayor Klapp: Yeah. And so, you know, it seems to me that we can say this is low priority, but it's still a priority. It's still a part of the path system. And I don't agree with taking it out of the master plan.

Does it mean it's being built tomorrow? I appreciate the fact that we were able to have a hearing and hear concerns of neighbor, but we are not building this tomorrow. We are trying to decide whether or not this is going to remain in the master plan. And so I don't believe making a decision to try to remove it is front. We need to decide whether or not at some point there needs to be a path built in that area. We are not planning to build it tomorrow.

But it's in there in the master plan to connect the mobility and the movement in the city. So I understand the concerns of the people that are in the Sonoran heights neighborhood, but there are

concerns of all the people that live east of 128<sup>th</sup> Street and -- and I live in that area. I know that there's thousands of homes over there, and I know how we traverse out of our community down 128<sup>th</sup> Street. For those of us who are bikers, you have to go down 128<sup>th</sup> Street down to Via Linda. Via Linda is not the best street for bikers. This is for people who ride bikes to go down a path that's along the bottom of the Preserve.

It would enhance the mobility of wheelchairs. Not everybody who is disabled are in wheelchairs. They have walking problems. They may use canes. You saw a picture of a guy with a leg brace. So anyone who is disabled, you cannot walk on gravel. It's not stable. And it's so easy to fall on gravel when you are unstable. It's not just whether you see people in wheelchairs coming along and might be using that path and we need to consider usages in the area. You have to consider that so many people as they get older they become more unstable in their walking and this is a good alternative for the people that live to the east of 128<sup>th</sup> street to be able to walk along the bottom of the Preserve, because they also can't use the paths in the Preserve because they are gravel.

So it is to open up a -- an experience of walking for people that live in the eastern part of Scottsdale that they do not have today. If they want to walk down 128<sup>th</sup> Street, or they want to come out of any of those units to the east, he have to find an alternative way, such as you showed down 128<sup>th</sup> to Via Linda, and they may go up 124<sup>th</sup>. They may be able to go up to the trailhead and they probably couldn't go any further because they can't walk on gravel. So it really needs to be considered that there are people who need to have alternative walking areas, biking areas.

This is just not for kids. I know that the school has requested that children be able to walk from 128<sup>th</sup> street over to the school. And some will. I don't know how many will. I know that there are people in my community that are up there to the far northeast, they have kids up in there who do walk to school. I don't know which school. We have Basis, we have Anasazi, and we have Mountainside, and we have Desert Mountain. There's a lot of schools in the area. But I know that there are kids that are walking to school in the area.

But primarily I'm concerned about everybody being able to use paths in the city of Scottsdale whether it's the north or the south. There's great walking paths in the south. There's not so many good ones in the north, particularly in the eastern section of Scottsdale, northeastern section of Scottsdale. So it seems to me, we need to make that consideration.

Not saying it's the highest priority but it's still a priority. And it would appear to me that this should remain in the master plan because it is part of the system of conducting all the paths in the city. And we should be looking in this -- at this in a holistic approach and not because some people don't want it. I would venture to say that there are a number of people to the east that do want it. And when I was there the day I was looking at the current situation, there were people walking across 128<sup>th</sup> from the communities to the east. They were walking down the road -- because there is no path there. So they are walking in the street, where the cars are going, and then they go up to the gate and then they go around the gate and then they walk through the gravel path all the way over to -- they are heading either to 124<sup>th</sup> Street or heading to a trailhead. I don't know where they were going. So there are people using it.

And so it would seem to me that if we want to provide the kind of city that we say we are in Scottsdale, that we provide mobility and connectivity all over the city, then removing this .4 section mile, whatever it is, that section is important to the path system in Scottsdale and should remain in the master plan. It's been planned for a long, long time.

The only place that there might be some question that I suppose we could discuss is whether that path should go on the north side of the road or the south side of the road and I think for the -- at the request of the neighbors, it was being planned for the north side and it would go into an 8-foot section only of the Preserve, which currently has no vegetation. I don't believe it's taking away from the sacred nature of the Preserve to put a path in that section of the roadway and I would not support removing this from the master plan.

Mayor Lane: Thank you, Vice Mayor. Councilwoman Littlefield.

[Time: 02:53:06]

Councilwoman Littlefield: Thank you, Mayor. First off, I would like to thank all of you for coming tonight, to talk to us, and to give us your views on why you feel as though you do, because some of it wasn't clear. And you made it very clear and I thank you for that.

I will start with some of the things and work my way through and forgive me if I have to pause every once in a while because my notes are kind of sloppy. I do not approve or want to put this concrete path inside the boundaries of our Preserve. Aside from whether the path is good, bad or indifferent, I believe this sets a very dangerous precedent.

And the reason is this, yes, we have concrete paths inside the Preserve now. We have the A.D.A. compliant path that is at the gateway for people to take a walk within the Preserve if they are handicapped and they can get around. But the function of those paths are for the Preserve, for enjoying the Preserve, for using the Preserve land, when you all bought, okay? The function of this path is not a Preserve function. We should not put a concrete path inside the Preserve boundaries that does not directly affect the functioning of our priority serve. It sets a very dangerous precedent.

And I understand the land around it, on the other side. I understand it's damaged and it's been mutilated and it's not in its natural pristine state. I understand that. But it's still in the Preserve boundary. So unless you are going to change that boundary, it should not be placed inside of it. And if you do change the boundary, and take that land out, then we better pay our citizens back for the money they spend in purchasing that land to begin with. That's first thing.

The other thing is the cost of this. For a low priority item -- and I'm not even going to go into whether it's a good idea or a bad idea, if we need it or if we don't. I will talk a little bit about that. But it's listed as a low priority item. We are going to spend \$210,000 of taxpayer money on something like this, when we have so many much more needed things. I find that a case of misjudgment on how do we structure the money we have, and I will tell you, you may not be aware,

but, yes, we are fighting a budget crunch. We do need to watch our dollars. And part of it is not of our making, but we still have to face it. And we have to work within it. And I would much prefer to build things that I know our citizens want and need in Scottsdale rather than something that's a low priority item that's a nice to have. I think this doesn't fit within the context of our financial affairs at the moment.

This is -- I did that and did I that. I was very interested about what you said about the safety issues. I'm a native Arizona and I grew up in what used to be rural Scottsdale. It's not anymore. But we had lots of critters running around and, of course, being silly kids we paid no attention. But there are animals, wild animals in the Preserve boundaries, coyotes, snakes, all kinds of things, javelina and they are dangerous if they are irritated or annoyed. I think putting something like this, right across the edge of the Preserve without any barriers or any crossing guards or something, I don't know what you would call it to protect the kids some of them are going to get into trouble with this and I think if safety is one of our main reasons for wanting this, then that is something that really needs to be looked at more closely before we go ahead with it. Because it doesn't matter if your child is run over by a car or gored by a wild animal, it's just as dead. And it's just as unsafe. So that is something that would bother me.

You said that the inclines of the Preserve will go up and down and it's not going to be flat. Hikers and mountain bikers, I don't know if they are going to want. That I know handicapped people probably will not, being partially that way myself. I know my knees tell me when I'm going up and down an incline. And it is not a pleasant thing. And I generally tend to try to avoid that.

And just on a personal note, and maybe kids are different today, it could happen. But when I was a kid, you know, the dustier it was, the more adventurous it was, was the most exciting way you wanted to go and you didn't want to go on a concrete path. That's how moms went! So to me, I would think if the kids are going across this path now, if they are using this path, and enjoying it, then there's very little incentive to change that as far as the enjoyment of the path itself, because moms tend to -- and dads tend to like seeing their kids having a good time. And if it's walking to school and back again through a fun kind of place, then you are not going to want to have it too civilized, I guess is the word.

I kind of take exception, Mr. Basha, on your pictures of the trails in downtown Phoenix, along the canal, all of those trails are, as you say, wonderful and well used and well liked, and they are great. I actually am a supporter of the trails. I think they are a wonderful thing here in Scottsdale, however, it's not the same as being inside a fully developed area of Scottsdale, in the downtown, next to a canal, residential areas next to no open space, no wildlife, generally, trotting itself in this. So it's not quite the same apples to apples if you will.

And I think that that's something that ought to be looked at when we are talking about having children walking down that path. They are walking down the path now. I hope they are with their parents. They are walking down a biked path or a concrete path, much more likely they are on their own.

Also, I'm not sure if I want it taken out of the master plan. I'm not totally sure of the reasons but I



certainly don't think it's the highest priority for our tax dollars right now and it ought to be moved away, if it stays within the Preserve boundaries, I would be totally against it for the reasons I mentioned.

I think we should listen to our citizens, the people that-in the area, generally know what problems are and more so than I do. Folks who want to walk this way across there to get to Anasazi or get to the trailhead, it sounds to me like they are doing that already. And I don't see that for a few more people who could do it on a concrete path? Is it worth the money? And you know, I'm always looking at resources and what can we do and what can't we do? Is that the priority? I don't think it is right at the -- the highest priority? I don't think it is right now.

I would not be in favor of going forward with this at the moment. And I would direct staff not to complete the design and the construction of this paved path. Thank you.

Mayor Lane: Thank you, Councilwoman. Councilwoman Korte.

[Time: 03:01:47]

Councilmember Korte: Have a couple of questions. \$210,000 that this is going to cost where is that money coming from?

Transportation Director Paul Basha: Mayor Lane and Councilwoman Korte, it's in our capital improvement program. We have several accounts for sidewalks and bicycle path facilities and it would come from those categories.

Councilmember Korte: Does it come from the designated sales tax, transportation dollars that are designated?

Transportation Director Paul Basha: Councilmember Korte, yes.

Councilmember Korte: Would you help explain the source of those dollars and that they are restricted and how they are restricted?

Transportation Director Paul Basha: Councilmember Korte, they come from what are called highway user revenue funds, it is a sales tax in the city of Scottsdale dedicated for transportation purposes.

Councilmember Korte: Okay. Regarding the path in the Preserve. I have trouble with that also and perhaps Kroy could answer some of our questions if he could come up for me, that would be great. There have been statements that there's not another concrete path in the Preserve and then there are concrete paths in the Preserve. So, yes or no, are there other examples of concrete paths in the Preserve?

Preserve Director Kroy Ekblaw: Yes, there are.

Councilmember Korte: And could you tell us where those are?

Preserve Director Kroy Ekblaw: A few of those are in the trailheads where we do have particularly from our handicapped parking to the trailhead building. Not every trailhead has that but a few of them do, gateway, in particular, has that.

Actually the piece of path there at Anasazi that is in this aerial, right this area here, as part of -- we have an agreement with the school for overflow parking to occur for the Preserve into that. And that piece of sidewalk is actually in the Preserve.

As part of the acquisition of the land for the Preserve, from Ancala, and you can see the access from 124<sup>th</sup> Street here to the best into Ancala, that road alignment and this piece of 124<sup>th</sup> Street and the bridge over lost dog wash and the sidewalk of the bridge over lost dog wash are all in the Preserve that. It was part of the agreement of condemnation that the city of Scottsdale was responsible for providing the secondary access into the Ancala and so you have street and sidewalk in that location.

There are not many other locations. We do have frontage at the gateway, along Thompson peak parkway and right-of-way. And then there is a stabilized decomposed granite pathway along the parkway. There are some examples.

Nonetheless, we do have some in the Preserve.

Councilmember Korte: And of that 0.4 miles of that path, how much of that -- is that the concrete path? No, that's the total distance from 128<sup>th</sup> to the sidewalk at Anasazi. So the concrete path in the Preserve is going to be .2, .018?

Preserve Director Kroy Ekblaw: It would depend upon the exact final design.

Councilmember Korte: Okay. But you get my point.

Preserve Director Kroy Ekblaw: That's correct. It would be somewhere in that range. I would say about half of it.

Councilmember Korte: Could we could safely say that a placement of a concrete path is not setting a precedent. Could we safely okay that? Because we have examples of concreted asphalt in the Preserve that do not function for the Preserve.

Preserve Director Kroy Ekblaw: They have tended to provide access to the Preserve.

Councilmember Korte: Okay.

Preserve Director Kroy Ekblaw: So they do serve it in that regard.

Councilmember Korte: And don't we see this cactus path as not only an importantly safe path for

students to get to Anasazi, but we also see it as an access path to the Preserve at the lost dog wash.

Preserve Director Kroy Ekblaw: I think that was part of Paul's presentation, yes.

Councilmember Korte: So that concrete path, if it's placed in the Preserve, in that disturbed area, would function for Preserve? Okay.

So this cactus path has been on the books since 1991. That's a long time! And it is in the low priority. It means that it's not imminently going to be built tomorrow, right? And tonight we are discussing whether we believe as a council body in maintaining this path in the transportation master plan.

And Kroy -- thank you. Thank you very much. So what has changed?

I'm thinking the I.G.A. with the Anasazi school and the expansion of the parking lot, the ability to use the parking as overflow for the Preserve, and that -- those -- that I.G.A. -- that I.G.A. is really one of the things that has changed cactus path priority, am I right or wrong?

Transportation Director Paul Basha: Mayor Lane, Councilwoman Korte, you are correct.

Councilmember Korte: In that I.G.A., were there are specific stipulations to connect their concrete paths to 128<sup>th</sup> Street?

Transportation Director Paul Basha: Councilmember Korte, no.

Councilmember Korte: How does that I.G.A. impact the prioritization of this path?

Transportation Director Paul Basha: Councilmember Korte, the intergovernmental agreement has been consummated. We designed it and constructed it, that agreement is fulfilled. The path ends right here. So the way the intergovernmental agreement, relates to the proposed cactus path is it's connected.

The proposed cactus path would start where the Anasazi path ends and continue in the Cactus Road right-of-way to 127<sup>th</sup> Street and then approximately 700 feet adjacent to the existing partial half street, to 128<sup>th</sup> Street. So the relationship is this sidewalk exists. We would construct a sidewalk here that connects to that existing sidewalk.

Councilmember Korte: Thank you for that. It really brings up an important point, which I heard somewhat dismissed that this doesn't connect to anything. But it does. This cactus path connects the eastern neighborhoods to Anasazi and that school and that community amenity that schools have become with their soccer fields and, you know, all the different kinds of activities that schools provide but it also connects 128<sup>th</sup> street and to the future rincon trailhead.

Transportation Director Paul Basha: Councilwoman Korte, it was ringtail, trailhead.

Councilmember Korte: I was close.

Transportation Director Paul Basha: You were talking about the length of the cactus path that would be in the Preserve. As I said it's approximately 1/6<sup>th</sup> of an acre in what is currently in the Preserve and could be preserved from the Preserve if the council so decides.

Councilmember Korte: But again, if it's placed in the Preserve, it's not setting a precedent as we have utilized the Preserve for access in different ways.

Transportation Director Paul Basha: Correct.

Councilmember Korte: Okay. Clearly, I'm not in support of removing this from our transportation master plan. I believe this is an important connection, and it's a small connection. It's \$210,000 is not a lot of money in the scheme of things.

I -- I guess -- you know so gosh, I appreciate this. Your neighborhood has put a lot of time into this, and the concerns, and yet I'm still really not sure what your real objections are. You know, you talked about costs. You talked about there isn't a real need but I believe there is a need. I talked about concerns with erosion. I think those could be solved, those issues.

I don't know what your objections are, except that you don't want foot traffic. That's what I'm hearing, but I'm thinking that the -- you know, you have gone down this path, so to speak, and negotiated some real good compromises to this. So the concrete path is narrower. It's colorized. It's curvilinear. So it's not just a straight path. It is more appealing to the eye. You would like additional vegetation to buffer your homes from that path, and that buffer is 55 plus feet wide, which is -- which that is a very wide space that offers that buffer. And we're offering that buffer by placing this path partially in the Preserve, the one-sixth of an acre or how much -- 700 linear feet, correct?

Transportation Director Paul Basha: Correct.

[Time: 03:13:52]

Councilmember Korte: So my direction to the staff is to maintain this in the transportation master plan and come back to us with more design clarification to move this thing forward.

Mayor Lane: Do you want to put that in the form of a directed motion?

Councilmember Korte: This is to maintain the cactus path in the transportation master plan, and let's just leave it at that.

Mayor Lane: If I might, because I would like to second that, but at the same time, I think some of the very things that the community -- the citizens put together in this binders that they be addressed and specifically responded to. I see a concern for tearing up the desert, the costs, of course that we

talked about. And the idea that it would close the gate or that's the indication I got from it. The possibility of flooding and those kind of things. I would give staff guidance to look at that as well.

And then with that friendly amendment to it, I will second that alternative motion.

We do have -- you know, as a second on this, I would say that it's important for us to make sure that we are abiding by the very things that a lot of people hold very strongly and that is the request within our general plan, on connectivity and providing alternative modes of being able to transport. When we talk about safety of the children, we're not only talking about just the taste of the children but the potential incident of issues that might arise by virtue of not being able to access the Preserve and/or the school.

I'm concerned not to take it out of the master plan. I'm not a proponent of that, as I said before, but I do believe I want to make sure that we have got a very good read and what the concerns are, the real concerns and then we'll address that.

That's what I think we have in the motion. Councilman Smith was on the board to speak again.

[Time: 03:16:44]

Councilman Smith: I wanted to mention that my comments said that we won't build this tomorrow. Indeed we won't tomorrow because we probably won't be home by then.

But what is your intention? If we come away from here tonight and said by all means leave this in the transportation plan, and by all means what is your intention within? A career?

Transportation Director Paul Basha: Mayor Lane, Councilman Smith, it is our intention that the design would be finalized in the next two months and construction would occur this summer.

Councilman Smith: Okay then I would like that to be cheer to everybody that you are indeed intending to build it tomorrow or as soon thereafter as you can.

Transportation Director Paul Basha: That is correct. That is our request.

Councilman Smith: I want to reiterate -- and I don't know what it was there at the tail end, but I won't support it. I think anybody would votes for this will be saying, number one, it's okay to put just a little bit of concrete in the Preserve, not much, .6 acres, 700 feet, whatever it is, but just a wee little bit of concrete in the Preserve and that will be okay and I don't know how you get to that point. When pressed, our Preserve man declared to us that yes, we have some concrete things but generally, they are to provide access to the Preserve.

So in contorted logic, this strip of concrete, leading from a subdivision so kids can go to a school on time will really give them a chance to go off on the lost dog trail for a few hours before their -- before their math class. I don't get it. If we vote for this, we are voting to put concrete in the Preserve.

Period. No question about it.

Number two, if we vote for this, we are voting to spend, as soon as we possibly can, \$210,000 on the lowest priority project in the entire transportation plan. That's why I'm going to oppose this.

[Time: 03:19:00]

Mayor Lane: Thank you, Councilman. You know, let me just say one thing about even the request on the timing of this, we do have a subcommittee put together and Councilman Smith, Councilwoman Korte, and Councilman Phillips are on it to do an analysis and review of these things. If they choose to do that, would be a review of our priorities on any of our construction projects. So with that said, there is at least some additional consideration by the three people here to my left as to what the priority would be on this.

We are then -- we have an alternative motion on the table. It's been made and seconded. There's no further request to speak. I think we are then ready to vote all of those in favor of that motion, please indicate by aye, and register your vote. Those opposed with a nay. It passes 4-3, with Councilwoman Littlefield and Councilman Smith and Phillips opposing.

I want to thank everybody for all the input. I hope you understand that the reason we asked for this discussion was at your request and we did the best we could to thoroughly analyze this from all the angles for the city. And so I realize this may not have been the consequence but I think you will find yourselves in a better place and we will also be addressing those very issues that you have raised with us. So thank you for your input.

#### **PUBLIC COMMENT**

[Time: 03:21:08]

Mayor Lane: Okay. That was the final item for our regular agenda items and items of action of any sort. We do have a request to speak in the public comment period. It's marked as a petition but I have no petition. So I'm not sure by Mr. Stuart, if you would like to come forward and speak toward the public comment.

Mark Stuart: Hi. I have a six-page presentation and I am going update you on the status of save our Preserve ballot initiative. But I am going to ask you two very important questions and I hope you can resolve them for us tonight. You don't have to do it tonight but I want you to go home and think about it or at some point on the record answer these questions.

A lot of rumors going around. I think those are mostly coming from Ms. Milhaven.

Mayor Lane: Excuse me one second. Can we stop the clock? City attorney?

Deputy City Attorney Sherry Scott: That's okay Mayor. My apologies. I was going to address first

slide but he's moved on and I think that's fine.

Mayor Lane: Okay. Thank you.

Mark Stuart: Can we start over?

Mayor Lane: Go ahead.

Mark Stuart: I know you are afraid of my speech, Mayor. I understand that. If you just let me finish we can all go home and we would all love this country that much more.

Mayor Lane: This isn't an exchange, there is no fear involved. The fact is we just want to make sure that we continue and consistently apply the rules. So please continue.

Mark Stuart: This is a ballot initiative with more than 200 volunteers and thousands of citizens who want to vote on the future of our Preserve. So those of you who are spreading rumors to the contrary, you are doing a disservice to our community.

Here's our update. 6,000 signatures. March 31, more than 200 volunteers. If you would like to volunteer, send an email to that address.

Mayor Lane: Now, Mr. Stuart, you do know you are on the border when you start to solicit donations, volunteers or signatures on a political initiative and I'm sorry.

Mark Stuart: Mayor Lane, people sell things in here all the time and they are your friends and therefore you encourage them to speak.

Mayor Lane: We're not talking about selling --

Mark Stuart: We will have a federal judge resolve this, sir. I have to wait until May to protect my rights in court and I'm going to. So just please stop and let me finish.

Mayor Lane: That's your right but I am just telling you to consistently apply, I have to advise you that this is not within the venue of this council, and it is --

Mark Stuart: Mayor Lane, I will go ahead and talk over you and that way, I can get my time in and we can all go home and we will all feel better, okay?

Mayor Lane: Mr. Stuart --

Mark Stuart: By the way, on jurisdiction, I sent the city attorney a letter and said, can you please define it. They said we can't define it. Everything is within in it. So let's move on.

Mayor Lane: No, I'm sorry. Did you have something to say?

Mark Stuart: Are you guys going to please stop interrupting me?

Mayor Lane: Well, since we raised the subject of the legality of what we are talking about here, the city attorney can weigh in.

Deputy City Attorney Sherry Scott: Certainly. I think if --

Mark Stuart: I'm going to go -- my blood pressure is going up and I feel like I may have a stroke. I will go ahead and leave.

Mayor Lane: Can you just wait . . . . courtesy . . .

Mark Stuart: No, no, I will leave. If you don't want me to speak.

Mayor Lane: . . . listen to the City Attorney.

Mark Stuart: If you have a blood pressure cuff, we can take it right now. I have to take Propranolol because of this. That is why I didn't come two weeks ago. I'm going to the doctor tomorrow at 10:00.

So --

Deputy City Attorney Sherry Scott: Mr. Stuart, my only advice is that you simply instruct the council what you are asking of the council.

Mark Stuart: Okay thank you. If I wanted legal advice, I will hire an attorney, and I would not hire you. No disrespect intended.

So I have two simple questions for you tonight, and this is directly to Ms. Milhaven and Mayor Lane and Ms. Korte, it's come to my attention and I'm meeting people who say Mayor Lane has told us that they are going to go forward with this, irregardless of the ballot initiative because they want to get this thing under the wire and they want to force you to sue them.

So if you can respond to that, Mayor Lane, that would be great. So you don't have to respond tonight. But have the courage to state on the record we are not going to honor this ballot initiative. If you do, we can get a temporary restraining order and a P.I. We have already got someone lined up to do it. That's the same question but in a different format.

So I would like you, if you have the courage, and I know -- I know Mr. Phillips is not going to go forward. And I know Mr. Smith is not going to go forward because he doesn't want the personal liability but I think some of you don't really get the issue, but you can't destroy our right to vote on this, unless we don't get the signatures. It is inevitable that we will get the signatures.



I'm here today to ask you put the save our Preserve charter amendment up to a vote. Save us all the time. Save us all the agony.

And there's one other thing. I got a letter from the I.R.S. on Saturday and they are sending me a check for one of my three whistle-blower complaints over the municipal bonds. So although you guys want to belittle me and pretend like I'm not credible, I forgot to bring it with me, otherwise I would. I will bring it next time.

So thank you for your time. I want you to go home and read the declaration of rights in the Arizona Constitution and don't be afraid to let voters exercise their power over you. Thank you for your time.

Mayor Lane: Thank you, Mr. Stuart. That concludes -- unless we have any Mayor or council items. I haven't been given any notice of it, but in any case, that concludes our business for this evening.

I want to thank everybody, staff included, for all the work you have done and for all the citizen participation tonight as well.

So with that, I would ask for a motion to adjourn.

City Clerk Carolyn Jagger: Your Honor, I'm so sorry to interrupt.

[off microphone comment]

Deputy City Attorney Sherry Scott: I am sorry, I am having a hard time hearing you Carolyn.

[off microphone comment]

Deputy City Attorney Sherry Scott: I asked Mr. Stuart before he approached the microphone if he had a written petition for the council to act upon and he would not answer that question. I didn't hear him mention a petition. So I'm assuming the answer is no. And I see Mr. Stuart simply walking away. So I assume the answer is no.

[off microphone comments ]

## **ADJOURNMENT**

[Time: 03:28:34]

Mayor Lane: Very good and I mentioned that the card was marked as petition. But I had no petition. So thank you. And thank you to close that out.

Council: Move to adjourn.

Council: Second.

Mayor Lane: So we have a motion to adjourn and it's been seconded. All in favor of adjournment, please indicate by aye.