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#### **CALL TO ORDER**

[Time: 00:28:02]

Mayor Lane: Thank you very much for that. I want to call to order our January 6<sup>th</sup>, 2015, City Council meeting.

#### **ROLL CALL**

[Time: 00:28:15]

Mayor Lane: I will start with the roll call, please.

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Guy Phillips.

Vice Mayor Phillips: Here.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilwoman Korte: Here.

City Clerk Carolyn Jagger: Kathleen Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

City Clerk Carolyn Jagger: David Smith.

Councilman Smith: Here.

City Clerk Carolyn Jagger: City Manager Fritz Behring.

City Manager Fritz Behring: Here.

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

City Attorney Bruce Washburn: Here.

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

City Treasurer Jeff Nichols: Here.

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Carolyn Jagger: And the Clerk is present.

[Time: 00:28:37]

Mayor Lane: And I thank you. We do have speaking cards, or rather cards if you would like to speak on any of the items on the agenda. They are the white cards above the City Clerk's head here to my right and we do have a yellow card for written comments for any items on the agenda that we will read during the course of the proceedings that are over her head at this point in time. This evening we do have Scottsdale police officers Tom Cleary and Jason Quinn, or Glenn, rather, who are just almost directly in front of me and they are here to assist you in any way that you may need their assistance. We ask that you would respect the dais. We do have facilities here on my left under the exit sign for your convenience.

**PLEDGE OF ALLEGIANCE**

[Time: 00:29:25]

Mayor Lane: We will start this evening with the Pledge of Allegiance and we have Girl Scout Troop 124, and we have their troop leaders who are here to lead us in the pledge. Ladies, if you would.

[Time: 00:29:34]

Girl Scout Junior Troop 124: 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 would, if we can turn that microphone around, I think we have got that program down. And if you could introduce yourself and let us know where you go to school and what your favorite subject is or any other short comments you would want to give us.

Girl Scout Junior Troop 124: I'm Brinley and I go to Pima Elementary School and my favorite subject is math. I am Cheyenne and I go to the Pima Elementary School and my favorite subject is science. I'm Sidney and I go to Pima and my favorite subject is reading a book. My name is Caitlin Paul and I go to Pima Elementary School and my favorite subject in school is science. Hi, I'm Riley Pruitt I go to Pima Elementary School and my favorite subject is math. Hi, I'm Jacqueline and I'm from Pima Elementary School and my favorite subject is science. Hi, I am Aubrey Jones and I go to Pima Elementary School and my favorite subject is science. Hi, I'm Maddie Huming and I go to Pima Elementary School and my favorite subject is writing.

Mayor Lane: Well, thank you, ladies, it's nice to you have here and obviously, the emphasis on STEM education is taking root with this group. It's very nice to hear from you.

**INVOCATION**

[Time: 00:31:31]

Mayor Lane: Also this evening we have an invocation and we are pleased to have father Gregory Schlarb from Our Lady of Perpetual Help here to provide that invocation. Father?

[Time: 00:33:48]

Father Schlarb: Mayor and Council, thanks so much for this opportunity. I know that this year, especially, as we begin this new year, we ask a continued prayer for Tyler Stewart, officer Tyler Stewart of the Flagstaff Police Department who lost his life on duty on December 27<sup>th</sup> of 2014. So we continue to hold up his family and him as well in our prayers and we remember all of our law enforcement, not only here in Scottsdale but also throughout the world, who protect us and serve us.

Loving God, you are the lord of our history. Our yesterdays, todays and tomorrows. We join all of

creation in giving you praise and thanks for the year behind us, and for the days you give us in the year ahead. We ask you to bless the gift of this new year, and through your grace, help us to be good stewards of the time you have so graciously entrusted to us. Forgive us for any misuse of days past, and show us how to use your gift of days in a more loving and generous way. Fill with us your compassion that we may do our part to bring about a more trust and nonviolent world, and to care for the most vulnerable among us. Open our hearts to the good news so that we too may share it with more passion, inspiration and joy. We ask this in your name, amen.

[Time: 00:33:53]

Mayor Lane: Amen. Thank you, Father. Just a little bit of follow on, some of what Father Greg just spoke about, and, of course, that is the loss of life of Tyler Stewart, the city of Flagstaff police department. And alluding to, obviously, a continuing situation and difficulty we are having with the area now where we're operating in a little bit of bizarre-o world when it comes to the interests and the tactics and maybe even, the tactics that certain groups are employing in making their points. You know, being a country of laws, law and order and law enforcement are critical components to a civilized society and it's always a difficult thing when you consider when differences do occur and do divide us on certain issues.

But one of the responses that has come about recently and I don't know whether or not Tyler Stewart was necessarily and incidentally a one-year veteran of the police department there in Flagstaff, a very young man, not that that is only, the only consideration, but it's a horrific thing any time someone loses their life at an early point in life, even worse than later on but under the circumstances, it's tragic no matter what, but I would just say that when you have a professional law enforcement and public safety, that's dedicated to exercising or I should say enforcing the laws that we mass either from this dais or in the state legislative or on a federal, in the federal Congress, it's a responsibility of a professional organization as they are, not only to enforce those laws but in the execution of the enforcement of that law to be able to defend themselves because they are going to be putting themselves in harm's way when they do that.

Generally they are dealing with a criminal element and a lot of times, it's a violent criminal element that causes this type of concern. When we have a society now where we have police officers becoming the target of criminal actions, and either an assassination or a wounding or otherwise, it becomes even more disturbing for us all and we should all be very disturbed at this kind of approach to, I won't even say a solution or trying solve something with this type of activity because I think it's not. I don't believe anybody in this room probably believes it is.

You know, I want to say in the context of this, and I think probably everyone knows what I'm referring to a little bit when I talk about the Ferguson situation that was followed by a demonstration and some violence here in downtown Scottsdale. Not based upon anything other than the fact that to make a demonstration to make a point. Now it doesn't get to the level of some of the actions that I was just referring to, but nevertheless, I just would like to give accolades and certainly commend our Scottsdale police department for doing such an excellent job of dealing with it in a very professional way and not intimidated by the facts of the circumstances of that group or things that have been going on within

our country in this regard.

I number one want to thank our police department for responding to that and not wavering from the professional obligation but executing it in the best possible way and I think they really truly are to be commended for that and I thank them for that. Now this has become sort of a continuing area of concern not that it's focused on Scottsdale. It's something that goes wider than, that but I would only ask that those people who normally don't engage in this kind of thing speak up and are unafraid and make sure that we always express that, unafraid and make sure that we always express that support for our police department and those people who maintain law and order. Never having lived in a country where there was an absence of public safety and law and order, it's hard to describe what it's like when you lose such a basic element. Nobody wants to put that on trial here in this country or in this city or in this state.

We do have a demonstration that's slated for this, I believe it's Saturday and I would only ask if you have an interest and show of support, we are not looking for confrontational issues or otherwise, but nonetheless as a sign of support for the police department, it's going to be at police headquarters which is on the, it would be the southeast corner of granite wreath and Indian school and there will be a group that will be demonstrating against the police. There's been a call to show equal support at least. So I just would like you to be aware of that and if you can show that support one way or another, even just in your thoughts and prayers, as far as that goes but nonetheless, it could be an important event and I hope that it's not but I would love to have this city show strong support for the police department. Though, I only ask that and I will ask in addition to father's prayer and that is just to pray for our country, or by whatever means you think hard about things that, how you might affect other people's thinking in sort of a spiritual kind of way.

But think hard about what it means for our country moving forward. I'm hoping that we are all in high regard of that concern and how we might be able to effectively, as individuals support and move away from this kind of thinking. But there's problems to be solved. There are always problems to be solved. But even as I said before the inaugural, during the inauguration and swearing in, it's how we do it. And there is a way civilly and honestly and legally to get change. That's one the things this country and being of course this state and this city are known to do and we want to continue on that path. So I just wanted to share those thoughts with you and I hope that you can find it in your hearts really to make sure that your thoughts are known on this subject.

#### **PUBLIC COMMENT**

[Time: 00:40:49]

Mayor Lane: So with that, we do have some Public Comment and the Public Comment is reserved for citizen's comments regarding our non-agendized items with no official Council action taken on these items. The speakers are limited to three minutes each, with a maximum of five speakers. There's another opportunity for Public Comment at the end of our meeting. We do have five cards. That's at the limit and it will be three minutes apiece. And I think as an accommodation to some accolades for our incoming Councilmembers, we did join up two individuals on one to allow that to happen or

maybe it's even three but in any case, it will be three minutes and we will have it covered and we are in the bounds. But we will start with Michael Fernandez. Happy New Year.

[Time: 00:41:36]

Michael Fernandez: Okay, my name is Michael Fernandez. I'm a downtown property owner. Folks, we got trouble right here in Scottsdale. That's a capital "T" that rhymes with "D" and stands for dark money. During the last Council elections, the dark money recipients acted as if they had no idea who was behind their good fortune. Did you ever hear any of them denounce or ask the dark money donors to close two people to close down their operations? That's right, not a peep. Would you think they could have at least pretended to be worried or concerned about their closeted supporters being exposed in the newspapers and to add insult to injury, they actually expected that you would accept their indefensible behavior. Well, that doesn't work for me. Who did Milhaven really represent? You or the development community Realtors, bar owners, chamber of commerce members and lobbyists? Am I the only one who found it too coincidental that all the candidates who are supposed to benefit from the dark money expenditures have and continued to have close ties with the Scottsdale Chambers? Every wonder some are frequent visitors to the favorite zoning attorney's offices. These zoning attorneys come before the Council on a regular basis, speaking on behalf of their mostly out-of-town clients would want to make Scottsdale a state-of-the-art, leads certified city. By cramming as much density on a quarter acre lot with no parking and scorning the concerned public who dare voice an opinion as antigrowth NIMBYs and trouble makers. Has anyone here heard the citizens of Scottsdale clamoring for more bars and drunks, taller buildings and more apartments up and down Scottsdale Road? You hear Scottsdale citizens demanding for a crime delivery system, a/k/a light rail to be installed on Scottsdale Road to have total gridlock and with an end result of forcing everyone out of their cars thus making all big government social planners happy. Is it just me or is it also obvious to most casual of servers that Milhaven, Klapp and Korte, fall in line with everything that the Scottsdale Chamber and the commercial vested interest individuals want to cram down our approach. The usual suspects can always count on their sycophant buddies. As long as the dark money continues to pour in, dark money recipients will continue to rubber stamp their buddies' project regardless of the disastrous or adverse effects it will have on the quality of life. I speak on behalf of all who want open, honest and good government that you first police yourself and then surprise us all and work for the betterment of Scottsdale.

Mayor Lane: Michael, just for the record, obviously, the property that you are associated, with you are talking about your business property and that's at 4338 North Scottsdale Road. Thank you, Michael. Next would be Carol Zofran.

[Time: 00:45:18]

Carol Ziffrin: Am I lost? Well, good evening. I'm Carol Ziffrin; I live at the Silverstone, 70 North 74<sup>th</sup> Street, ZIP code 85255. I'm here today to bring attention to the need for a 1.9-mile extension to the Number 72 bus, northbound from Thompson Peak Parkway to Pinnacle Peak Road. This extension will serve the nearly 400 current and future senior residents and the 211 current employees, and over 138,000 annual individual customers as well as employees of our beautiful Appaloosa Library.

The employers and employees and the customers of Sprouts, Safeway and Basha's shopping centers and it will serve Scottsdale as a whole. This extension is firmly aligned with the City's mission statement and strategic goals. For the goals of supporting economic vitality, enhancing neighborhoods, and advancing transportation, as north Scottsdale continues to grow, the extension will make this area a more desirable place to live, work and shop and more attractive to employers by providing access to a wider pool of employee talent, from throughout Scottsdale. Employees will be able to use public transportation for work at the three shopping centers, the restaurants, medical offices, rehab facilities and more. For the goals of valuing Scottsdale's unique lifestyle and enhancing neighborhoods, it will bring much needed community connectivity by extending the bus route residents will be connected to the community where they work, live, and vote. And while also connecting Scottsdale to the Appaloosa Library and local businesses. And for the strategic goals of sustainability and advancing transportation, this extension will help decrease traffic and potentially reduce the number of elderly drivers. I bring this request, not only as my opinion, but with 255 signatures of like-minded supporters, extending the 72 bus route benefits the entire community through continued economic growth, connecting residents with their community, the community with the residents and reducing traffic. As the City mission states, simply better service for a world-class community. Thank you.

Mayor Lane: Thank you, Ms. Ziffrin. Next is, I don't know, in view of our conversation, Sandy Schenkat.

[Time: 00:49:23]

Sandy Schenkat: Sandy Schenkat, I'm from East Gary Road Scottsdale. Carol is a very hard act to follow and I cannot read my entire speech to you because it is too long. So I'm going to implore the Council to please, when you receive this by email to read my extensive search I did on the dark money that has impacted the City Council race. I became very aware of it in July, and I have stuck my nose into it, probably more than I should have and a lot of time involved in trying to term how and why this all happened. And I find it really egregious that \$43,000 was raised and it's anonymously spent against Kathy Littlefield and David Smith. I mean I have all of these other numbers of how much they raised and who did it and what happened. And I would really hope that the Council will pay attention and do what they can do so that in 2016, we don't have this malicious type of lace again Michele Reagan is our newly elected Secretary of State and she's been quoted as saying related to dark money, only with open and transparent government can the public be assured that corrupting influences won't interfere in the public process. Ms. Reagan is now in a position to advocate for true reform, especially regarding the sources of dark money. So please read my concise evaluation of what's transpired by Scottsdale strong and Scottsdale united and work to a better 2016 and congratulations to all of you on the Council, the new members and I'm looking forward to a very productive and positive 2015. Thank you.

Mayor Lane: Thank you, Ms. Schenkat. Next is Deanna Peters.

[Time: 00:51:56]

Deanna Peters: Good evening, Mr. Mayor and Councilmembers. My name is Deanna Peters and I'm a Realtor and I have prepared a petition and sent it to everyone this afternoon, as far as email and then I also provided a copy. I'm here today because I would like the Council to address the current ordinance that provides that a homeowner cannot rent their home as a vacation rental for less than 30 days in Scottsdale. The current ordinance says that a dwelling unit which is residents which is what cannot be rented. We know that Scottsdale is a desirable vacation destination for people around the world. By restricting them to a minimum of 30-day stay, I think it unfairly inhibits the homeowners with vacation rentals to rent shorter term. Those vacationers spend money in Scottsdale for shopping, entertainment, and they all support our local businesses and this benefits the city with tax revenue. It also benefits the city with the transient tax as well. Just one comment on the transient tax, the City is accepting transient tax for vacation rentals under 30 days. So I feel there's a little bit of a conflict that it's accepting money on something that it's not permitting. I would like that addressed. This makes many vacation homeowners a violation of the current ordinance and many of them are not even aware of it. I feel the ordinance is unnecessary to restrict a homeowner from using their property as they wish and one last note is that the City does not consistently enforce this ordinance and it creates a prejudicial and discriminatory situation for those stating that they are in violation and others that do not. I feel it's a win/win for the city and the vacationers to amend the zoning ordinance.

Mayor Lane: Thank you, Ms. Peters. Next now is a combination of Chris Schaffner and Sonnie Kirtley. Oh. I see. Sorry about that, Sonnie. I didn't realize it was the phonetic spelling you were giving me. I thought we had a third person. Please proceed.

[Time: 00:54:25]

Sonnie Kirtley: Good afternoon Mayor Lane and Councilmembers. I'm Sonnie Kirtley, the proud chairman of C.O.G.S., the Coalition of Greater Scottsdale. Our Scottsdale address is 3370 North Hayden Road, Suite 123. I have with me our dynamic vice president of C.O.G.S. as well. We are here to wish you a happy new year and quick comments in three minutes or less.

[Time: 00:55:12]

Chris Schaffner: Thank you Mayor and members of the Council and welcome to our three newly elected members of Council today. I want to congratulate you all on a very successful campaign. You all worked very hard to get here and I wanted to note that while you do have your own individual constituencies, you also represent all the City of Scottsdale and we would like to ask you to keep that in mind with all of your deliberations. We would also like to ask you to be careful listeners to the speakers that come before you on items that go before the Council. Please be very willing to be swayed by strong reason and good logic. Not only by members of the public who might speak before you, but by your Council mates as well. There's a lot of knowledge up there. There's a lot of good intention. Please use it and please be open minded and deliberate and we wish you the best year going forward in 2015. Thank you very much.

[Time: 00:56:12]



Sonnie Kirtley: And we want to assure you as always, as we have done in previous years that C.O.G.S. will continue to be a constructive and productive and speaking with you individually and speaking to you before the microphone here and all the communications here, we are your support team. Let us know how we can help you. Happy new year, everybody.

Mayor Lane: Thank you very much and to Curt Lee too. That completes the public testimony at this point. And there is an opportunity at the end of the meeting to, for additional public testimony if, in fact, it's requested.

## **MINUTES**

[Time: 00:57:00]

Mayor Lane: At this point in time, we do have the approval of the Minutes. So I would ask that we have a motion to approve the Special Meeting Minutes of November 18<sup>th</sup>, 4 p.m., November 18<sup>th</sup> 5 p.m., December 1<sup>st</sup>, 4 p.m., December 1<sup>st</sup> 5 p.m. and December 2<sup>nd</sup>, 2014 Work Study Session, Minutes of December 2, 2014 and Executive Session Minutes of December 1<sup>st</sup>, 2014. Do I have a motion?

Councilmember Korte: So moved.

Vice Mayor Phillips: Second.

Mayor Lane: Motion made and seconded. We are then ready to vote. All those in favor, please vote with an aye and those opposed with a nay. Aye. Okay. So the Minutes are approved unanimously. Thank you very much on that.

## **CONSENT AGENDA**

[Time: 00:57:50]

Mayor Lane: We move to the consent items 1 through 15a. We have one request to speak on Item 15, and just for the record, before we get to that, item 15 and that request to speak and that is the Clark et al versus the City of Scottsdale. The Scottsdale settlement agreement it's a request to adopt Resolution No. 10001, and authorizing settlement in the amount of \$855,000 of Cody Clark, Todd Clark, and Sandra Clanton's' negligence lawsuit against the City entitled, Clark, et al vs. City of Scottsdale, Case No. CV13-001476, currently pending in the Maricopa County Superior Court. So we have a request to speak on that item and it would be Copper Phillips.

[Time: 00:58:58]

Copper Phillips: Good evening, Copper Phillips, 7451 East Via Dona. I would like to commend staff for a remarkable way to complete several infrastructure projects that desperately needed attention.

I don't know where you found the money and how you did it, but kudos to really, really stretching that budget and finding alternative ways to get the job done. I think that's a remarkable accomplishment to staff, especially with the tight times we have now.

But to address this item, this settlement closes a very, very tragic incident that happened in Scottsdale. I cannot call it an accident because it involved drunk driving and the driver of that car drove his vehicle to a bar. The bar served him until he had too much to drink. He got back in that car, and drove on Scottsdale Road and rear-ended a Pedicab. It fortunately did not result in death but it resulted in two very, very severe injuries and this is the second settlement closing that case. And there's a lot of willful behavior here. But I think most prominent in this entire situation was the City's culpability and whenever there's litigation, something happens and the city will always have some type of culpability to get two attorneys together to talk about that and it will happen. But when I look at this, this was a huge expansion of the entertainment district, I think without full consideration of the ramifications and the consequences and consideration of how public safety was going to possibly cover that entire district and the outlying areas that would result in public safety issues and I think this is just one of the incidents. There was a rush to expand the entertainment district to utilize Pedicab and other types of transportation without fully considering potential consequences, Rules, regulations and codes.

The only positive thing this produced is that we now have codes for Pedicabs and safety restrictions which certainly benefit our public safety department. I give kudos to our officers trying to watch them stretch and cover and really do a good job in protecting the public in that district is a Herculean effort and kudos to them for doing what they do, but they can't be in all places at once. The city has to accept some culpability and not really considering the decisions made and the expansion of our bars and our transportation options and I think that's a lesson to be remembered for the future in decision making, rather than push forward to take advantage of timelines, I think we are well advised to spend additional time, truly considering the potential ramifications of any options that we make. Fortunately, there were no deaths in this incident. That is the positive. But I thank you for the considerations you will give decisions in the future and for the input and the thoughtfulness of any of the actions to be taken.

[Time: 01:02:35]

Mayor Lane: Thank you, Ms. Phillips. That concludes public testimony, Public Comment -- I'm sorry, the comment on that item, Item 15. So we still have before us the consent items 1 through 15a, unless there's any other comment from the Council, I would accept the motion to approve.

Councilwoman Milhaven: Mayor, I move we approve consent items 1 through 15.

Councilwoman Klapp: Second.

Mayor Lane: The motion has been made and seconded. No further comment requested. So we are then ready to vote on that. All those in favor, please indicate by aye and those opposed with a nay. Aye. The motion passes or the Consent Items 1 through 15a pass unanimously. Thank you very much for that and thank you for the testimony on that.

**REGULAR AGENDA**

[Time: 01:03:09]

Mayor Lane: We move on to our Regular Agenda item, which is a singular item this evening and its Item 16, the East Valley Partnership membership. We have Danielle Casey here to address this issue and she's already moved to the podium and ready to go. So I will give it to you. Ms. Casey.

[Time: 01:03:28]

Economic Development Director Danielle Casey: Good evening, Mr. Mayor and members of the City Council. I'm before you tonight with a membership opportunity to the East Valley Partnership. Just a quick recap for any of the Council or community members that are not aware. The East Valley Partnership is a 501 (C) (6) it's been around since the early '80s. It started its efforts as early as '83 and advocates to improve business climates around the valley. There are a number of the community members that are currently actively participating with the East Valley Partnership and they have a couple of major projects in play right now. One of them is the superstition vistas area effort, Phoenix East Valley which we can have a representative talk about a little bit more which is an initiative to bring some assets in the East Valley area.

And the reason we are here this evening, you are probably wondering, why are we bringing this membership opportunity forward at this time. On November 4<sup>th</sup>, the East Valley Partnership president and C.E.O., Roc Arnett did submit a formal invitation, inviting us to become a full participating member. And one of the great benefits of being a participating member includes the ability to be involved in any or all of these committees that the East Valley Partnership works in, advocacy, government regulations, aerospace, economic development, the list goes on and on.

So tonight's request before all of you is for the authorization of the city's membership dues that would take us through the end of the fiscal year in June, that's \$3,750, base dues for communities of our size are \$7,500 annually. So therefore any future membership dues or involvement would be part of the annual budget process. That is the request and the reason we are here this evening and I would actually like to let you know that although Roc Arnett is not able to be with us this evening, a good proxy, I think for him is a gentleman named Mike Hutchinson who has a long standing public service history in the valley and is also a long-time participant with the East Valley Partnership. So he's here representing them this evening. If Mayor and Council would be so inclined, he would be more than happy to speak a little bit or answer any questions.

[Time: 01:05:53]

Mayor Lane: Thank you, Danielle, but maybe I would first just ask a couple of questions of yourself on this.

Economic Development Director Danielle Casey: Please.

Mayor Lane: As far as this is concerned, obviously, the East Valley Partnership has been around for quite a long time and we have never previously entertained the idea of joining in the East Valley for a number of what used to be some prominent reasons. Our own personal and maybe exclusive identity and branding, the investment that we have in our reputation, not only as a tourist community but also with regard to the businesses that we attract here, and then also somewhat of our unique style of how we attract businesses versus some of the members within this organization. This is something that you are personally interested in, as far as, and do you think this adds positively to the department and what we do here in the city? And for the City?

Economic Development Director Danielle Casey: Mr. Mayor, members of Council, great question. I would say that any organizations that are representing outward regional efforts in economic development that are involving multiple communities having a seat at that table and being able to participate in influence and be aware of those acts and activities could certainly benefit Scottsdale and I do think that the East Valley Partnership leadership and Mike can speak to this, is well aware of those concerns of Scottsdale. I think extremely respectful of it. And I think the Economic Development team is also highly aware of that and very protective of Scottsdale's uniqueness and the importance of its distinguishing factors and not diluting that, but also being able to be a player and help the regional economy. So I would actually turn that question back to the Mayor and Council to your comfort level, but it's better to know what's going on.

Mayor Lane: I understand and certainly, we have always debated the idea of whether a seat at the table is worth whatever consequences it might have on our particular program and approach. We are a member of many; I should say at least several regional groups. It's A.C.A., of course, on the state level and M.A.G., E.D., economic development, and other organizations working in concert with us. Some specific to Scottsdale. So it's, it does sort of sound a little bit like a sub-membership group in an already regionally established group and part of the issue of how much in the way of, now I'm not as concerned as much and frankly \$3,700 is \$3,700, and \$7,500 a year is worth a good deal too. But it's also the dedication of your department's time on this level versus some of the things that you are hugely engaged in right now, you know, specifically to the city and working with our regional partners as it is right now. I have a concern about that, as well as what I just mentioned. I think it would be worthwhile to hear from Michael Hutchinson. All right. Over to Mike. Thank you very much, Danielle.

[Time: 01:09:03]

East Valley Partnership Representative Mike Hutchinson: Thank you, Danielle.

Mayor Lane: Welcome Mr. Hutchinson.

East Valley Partnership Representative Mike Hutchinson: Good evening Mayor and Council, it's an exciting time. I had a career in city government in Mesa for 28 years, my last six I was City Manager. So I know what an exciting time it is for the new Councilmembers and the change in the community. And I, you know, I worked for seven different Mayors and about 40 different City Councilmembers.

And really respect the work that the Council does. Often criticized under fire, but making a difference in this community and in this region. So congratulations, as you start your new term. Thank you for allowing us to be here tonight.

I am representing Roc Arnett, and many of you probably know Roc. A long-time East Valley member who has been the C.E.O. of the East Valley Partnership for about 12 years. Roc had back surgery a week ago yesterday. And he's doing fine. He's recovering. But anyone who knows Roc would know that it's killing him that he can't be here to talk to the Council. It's been a real desire to Roc, to have Scottsdale join the Partnership. And it's for reasons and I think you will understand. The group is a group that tries to promote collaboration and partnership in this, the East Valley. It was an outgrowth of many years ago, of the East Valley feeling we were under represented. And some of you will remember the Phoenix 40 and that was what's really was the end genesis of starting this organization.

So that this region banded together and was able to talk collectively and influence decisions at the State level, primarily, sometimes at the regional level. So that's the genesis of the organization. It's evolved over time. Since Roc has assumed the leadership, you know, I work for Roc. I'm a part-time employee. I do project work at the East Valley Partnership. But I observed it as a City Manager, the work that they did and now I'm on the other side, and observe the service to the government and the entities that we represent. So we are committed to be a collaborative group. We have a board of directors that's fairly active. We meet regularly. We have an executive committee. We have a whole series of committees. We sponsor events. We do special projects.

We did a project, a major planning project called Superstition Vistas where we planned 275 square miles east in northern Pinal County, east of the Mesa for future growth in this region. We have embarked on a branding process that we started about a year and a half ago. We are really encouraged by the elected leadership in the East Valley. The Mayors were doing a lot of collaboration but they thought if we banded together and talked about as a region about our assets we would be more successful and all boats would rise. We are in the process of the putting that project together, hiring one person in our organization that's going to work on that. Again, it's strictly a collaborative venture between our members. Both on the municipal side. It's an exciting time in the organization. We go to lots of meetings where we talk about our membership and sell our membership to both the business and public sector entities that you are currently involved with us and we often get asked the question, we put the map down and we say we represent the East Valley. They say is Scottsdale a member? We get that I have been in dozens of meetings. And we say, no, not yet, but we would love to have them in our organization.

You bring many, many things to the table that will help the East Valley Partnership and this region, and that's the primary reason why we are interested. We think we offer benefits and advocacy issues but we also know that the City of Scottsdale brings many significant assets that we can hopefully promote and improve the economic climate of the East Valley. I'm happy to answer any questions that you might have.

Mayor Lane: Thank you, Michael. I very much appreciate that. We do have some questions. I

will start with Vice Mayor Phillips.

[Time: 01:13:34]

Vice Mayor Phillips: Thank you, Mayor. I do have a few questions. Number one is this like a business stakeholder group or is this elected officials or is this both?

East Valley Partnership Representative Mike Hutchinson: Oh, we have a number of businesses. We have our board of directors which is about 35 to 40; we have elected officials who serve on the board of directors. We have business executives. We have a few nonprofits. We open up our membership to some of the major nonprofits and they have participated too. So we're open, inclusive. Our board meetings are, usually we have spokespeople of various business groups or business interests or on significant community issues and we found it very helpful to have all the major stakeholders in both the public and the private sector at the table giving us advice in terms of the advocacy that they wanted us to take.

Vice Mayor Phillips: How many board members are there?

East Valley Partnership Representative Mike Hutchinson: Approximately 35.

Vice Mayor Phillips: And that's Mesa, Chandler, Gilbert area?

East Valley Partnership Representative Mike Hutchinson: Yeah, we have all the cities from the East Valley plus the major hospitals, Boeing, Intel, the major corporate entities in the East Valley.

Vice Mayor Phillips: Okay. And do these board members or stakeholders; do they have investment in this?

East Valley Partnership Representative Mike Hutchinson: Yes, we are a membership organization.

Vice Mayor Phillips: Aside from the membership.

East Valley Partnership Mike Hutchinson: In terms of their.....

Vice Mayor Phillips: How much they are contributing? Let's say, Boeing, Boeing says, well, we'll bring 50,000 jobs here to the airpark if you do this or is that, do members of this board have a stake in this?

East Valley Partnership Representative Mike Hutchinson: Well, the stake they have, the stake is to help grow the economy and make the business environment more conducive so that other businesses come. For example, Boeing is always interested in having suppliers close to them. But there's no, to be in the organization, you pay a membership fee, but there's no commitment to terms of jobs. But we're, we actively encourage our business folks to come and talk about issues that they may find challenges both at the state level or at the city government level.

Vice Mayor Phillips: So you say they come to you and then you as advocacy group would come to a city government and say, this is what people want to do?

East Valley Partnership Representative Mike Hutchinson: We have a process, a policy process, much like a city where we have committees and they look at issues and take a position. That gets recommended to the full board of directors and we have not focused on city issues, but more on regional, the regional transportation issues that have occurred in this area over the last 25 years. We have been very active. The state sales tax, when governor Brewer wanted to implement that, the partnership was out early saying that's a good move at that time to try to stabilize government and that's a pretty thorough policy process that -- that the board goes through before they take a position.

Vice Mayor Phillips: Okay. And you said that you have been around for 12 years is that correct?

East Valley Partnership Representative Mike Hutchinson: The organization has been since the early '80s. Roc Arnett, the current C.E.O. has been the current C.E.O. for 12 years.

Vice Mayor Phillips: Can you give me some concrete accomplishments that this group has done since then?

East Valley Partnership Representative Mike Hutchinson: Certainly. We have been active in a couple of project-based issues. We did some significant planning with the Urban Land Institute, around the Phoenix Gateway Mesa Airport area, laid out a plan that was embraced by the communities and still is embraced in terms of what type of the opportunities exist here or what type of business should be attracted. I talked about the Superstition planning area. This is vacant state trust land that we did very high level planning after that. It culminated with the State Land Department applying to the Pinal County through the general amendment process and it's embedded on their plan. We worked on advocacy issues in terms of trying to promote issues that we think will help the transportation infrastructure or the education community in this region. So we are currently now embarked on a branding project to try to better develop our, the way we promote our assets in the East Valley. We have many, but what we found in this process is that a lot of people throughout the country don't know the great things that are going on in the East Valley, in Scottsdale and we have business people within our community that don't know that. So we are trying to tell them. They could be our best salespeople to go out and talk to their contemporaries about the great things going on in this region, both the Phoenix metropolitan area but also the sub-region of the East Valley.

[Time: 01:19:00]

Vice Mayor Phillips: Thank you. This last question is for Danielle. Since this is your presentation, how do you see this helping Scottsdale?

Economic Development Director Danielle Casey: Mr. Mayor, Councilmembers, just as a reminder, this was put on an agenda as a request from Mr. Arnett to the Council. So I'm a conduit for that, because the budgetary authority makes the most sense in the economic development department, but

as I mentioned earlier, being able to participate and see what other groups and business entities that are very influential, as well as other communities in the East Valley are doing, East Valley are doing on a collaborative scale is important for us, whether we think it's fantastic or not, we can help influence that if it's the pleasure of the Council.

Vice Mayor Phillips: So you see some benefit for Scottsdale in us doing a membership?

Economic Development Director Danielle Casey: Mr. Mayor, Vice Mayor, I would certainly hope so and we do have the opportunity at a six-month membership that, you know, we would be up for renewal next July. So Council could certainly evaluate that. It would be part of the budgetary process as our continuance. So we will report back on successes and participation in benefits we had with the East Valley Partnership to that point and then, and then we can start moving forward.

Vice Mayor Phillips: Okay, well, I understand in the whole scheme of things \$7,500 a year and even \$3,750 is not a lot of money, and the benefits would be, you know, tenfold, depending on what happens and what you guys come up with. So I guess it's come up in the past. I wasn't here to vote on it one way or the other. It sounds like it's worth a try and I would do exactly what you said, we'll come back and evaluate and see if it's worth some money and to continue doing it. So at this point, I would be in favor of it. Thank you.

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

[Time: 01:20:53]

Councilwoman Klapp: A couple of questions also. Even though the City has not been a member, have members of the staff been participating in an informal way in any way with the East Valley Partnership?

Economic Development Director Danielle Casey: Mr. Mayor, Councilwoman, I will say in the last year and a half, there have been some events, generally they have a wonderful event where they bring the Governor out and have a Governor's breakfast and that's always a widely attended program and something that's very good to be at to get an idea of what's going on, but I will actually let Mike touch base on any historic participation. We have stayed engaged. I communicated with Roc on an informal basis quite frequently. They are open to collaboration, even if you are not formally involved. I think it's a statement of the type of people that they are.

East Valley Partnership Representative Mike Hutchinson: That's a good summary. We have a series of events throughout the year and we invite our members and other government officials, the legislators to our events and hope they come. They are usually pretty well organized and interesting topics. So that's primarily, and that includes the city staff, if they are interested they are certainly welcome to come to all of our events. We certainly tried to encourage that over the last two years. Since Danielle has taken over as Economic Development Director, we are in the midst of this branding effort and so we wanted to keep her apprised of what we were doing because there was some publicity in the region. I wanted to make sure she knew exactly what we were doing. We are



anxious to collaborate and cooperate with your staff, at the committee levels and with the Council and the Mayor and areas that you would like to participate.

Councilwoman Klapp: I have attended several of the Governor's addresses of the East Valley Partnership and other events as a nonmember. Is the Salt River Pima Indian Community a member?

East Valley Partnership Representative Mike Hutchinson: Not currently and Roc and I have had a conversation over the last few weeks to try to go back to the tribal community and ask them to participate and we would like to do that, but, you know, we, sometimes members are, they are in for a few years and for whatever reason, financial or change in leadership, but they are not currently members.

Councilwoman Klapp: What you include all of these cities in your membership, do you move your meetings around or are they always held, the ones I have been to have been pretty far away, in far East Mesa for the most part.

East Valley Partnership Representative Mike Hutchinson: Well, we try to, we have our board meetings at Mesa Community College, and we have our meetings, we try to move them around in the East Valley, for our member cities. That's a good point in terms of access. I think the region.....

Councilwoman Klapp: We are pretty far away.

East Valley Partnership Representative Mike Hutchinson: That's a point well taken that we would be pleased to have an event in Scottsdale for, I mean, that would be a highlight for Roc, certainly for me if we could hold an East Valley event, Partnership event in your community and promote our partnership and collaboration. It would be a great thing.

Councilwoman Klapp: And do any of our major hospitals in Scottsdale belong to your partnership?

East Valley Partnership Representative Mike Hutchinson: No, not at this time. We have Dignity Health and Banner very active long-time members.

Councilwoman Klapp: Okay. Thank you.

Mayor Lane: Thank you, Councilwoman. Councilwoman Korte.

[Time: 01:24:29]

Councilmember Korte: Thank you, Mayor. Mike, you state you have a 35-member board. You obviously have an executive committee that oversees that.

East Valley Partnership Representative Mike Hutchinson: Yes.

Councilmember Korte: And who is on the executive committee?

East Valley Partnership Representative Mike Hutchinson: That's, those are members that are elected to that group. There's about eight members now.

Councilmember Korte: So who is chair?

East Valley Partnership Representative Mike Hutchinson: A fellow by the name of Brian Campbell who is a Mesa resident, a lawyer in Phoenix, a long-time activist and then we have a representative from SRP, and we have a representative of EVIT, East Valley Institute of Technology, Sally Downey is a new member. We have Angie Creedon from A.S.U. A.S.U. has been a very active participant in the partnership for years. So we have a cross section of our board of directors.

[Time: 01:25:31]

Councilmember Korte: Okay. Thank you. And Danielle, so with the different committees, active committees, how do you see us getting involved because our membership is only going to be as good as our level of involvement.

Economic Development Director Danielle Casey: Certainly, Mr. Mayor and Councilmember, I have pulled back the slide with all the numerous opportunities. I would probably venture to guess that maybe the Superstition Vistas would not be a committee that would be high on our list. I would certainly look at the Economic Development Committee and then also look to any preferences that Council has in terms of our involvement, education and workforce development is a very hot ticket right now. So understanding what's going on with that and with the high level involvement of the community colleges and the assets in the East Valley, I think those would be my personal thoughts here.

Councilmember Korte: Thank you.

Economic Development Director Danielle Casey: Thank you.

Mayor Lane: Thank you, Councilwoman. Councilwoman Smith.

[Time:

>> Councilman Smith: Thank you, Mr. Mayor. I was really kind of hoping we would get a bigger item than \$3,750 to talk about tonight but we'll take at hand we are dealt. I guess my question I'm trying to figure out what we might get out of this. I can understand why you would want Scottsdale as sort of a name plate on the membership, but I'm trying to figure out what we might get and I hear you talking about the work you are doing on branding and I'm not really sure that I want to dilute my brand of the Scottsdale brand with whatever brand you might be developing for the broader East Valley. We have a pretty good brand here and we are pretty jealous about protecting it. And even when you talk about economic development, you know, that can become a bit of a tug of war. It's true it might be good for the East Valley, but it might be even better if it was for Scottsdale. So I'm

trying to figure out other than, I'm hearing this is kind of a networking group, let me ask you a question. I will get to a question. In the write-up, you said there were 125 businesses and influential leaders. Are there other cities that are members?

East Valley Partnership Representative Mike Hutchinson: Yes. Mesa, Tempe, Chandler, Queen Creek, Gilbert, Apache Junction.

Councilman Smith: Okay. When it said these communities, the influential leaders from the communities, those are community participations or -

East Valley Partnership Representative Mike Hutchinson: Yes, those are city governments.

Councilman Smith: Memberships. I guess I would encourage maybe for Danielle to answer the question, what do we need, you said we don't need Superstition Vista, we don't need, and I presume you are going to do Economic Development. That's your job, but let her have the microphone and tell us what we would get from this.

>> Danielle Casey: Mr. Mayor, Councilman, members of Council, I think to restate my answer to the Vice Mayor as well, because we haven't been active, I can't answer the question to a direct level of certainty as to exactly what we would get out of these committee participations but I can certainly say that not being at the table with all of these other players that are discussing these critical areas and activities and moving forth with different initiatives that there's the possibility of a missed opportunity of being at the table and having a piece of that. Many communities are starting different initiatives. They started new marketing initiatives, not related to the branding initiative and I would add the caveat that I have had conversations at the staff level with Roc about the branding initiative and why that is not something that Scottsdale would delve into. So we can take and leave different elements of this membership. So it's another organization that is representing multiple communities and has people having high-level conversations at it. I again, defer to the Council as to whether this is a level of an organization and the types of conversations that you want to make sure that we have a voice in and have a presence at.

Mayor Lane: Thank you, Councilman. Councilwoman Littlefield.

[Time: 01:30:10]

Councilwoman Littlefield: Thank you, Mayor. I just have one question, a quick question for you, Mr. Arnett. You spoke that your organization is very active in regional transportation infrastructure. Could you go into a little more detail on what the organization has done in that area?

East Valley Partnership Representative Mike Hutchinson: Well, starting in the mid--'80s when there was the first, I call it the 1985 sales tax. The East Valley Partnership was active. That was developed and promoted throughout the region. I was with the City of Mesa and we had lots of advocates trying to get that first freeway plan done. It was hard. But it was active in that and active in promoting that as the region sold that to the voters and then as we had the follow up elections, the

partnership is always taken an aggressive stand in support of those issues. The better the transportation infrastructure and the other physical infrastructure in the city to improve the business climate and improve the quality of life. And that's at the gist of, it that's really what we are trying to do. We are trying to collectively, and we think the collective voice helps, be advocates on these important community issues. And as I was thinking about the questions that Councilmember Smith had, I think that's, you know, an important thing as we're going to have another transportation initiative in the state I think in the next two years. We are involved, like with other folks, with those early discussions, trying to develop that, to try to make sure that the East Valley, Scottsdale, is well represented in these discussions, as that project is developed. So that's, I mean, there's a concrete thing that we do. We advocate for these important, not only infrastructure but education issues and other quality of life issues that make this a good place to live.

Councilwoman Littlefield: So does your organization advocate for things like light rail?

East Valley Partnership Representative Mike Hutchinson: I was actually at the City of Mesa when I was still employed there as the City Manager but the Partnership was very active in trying to promote the overall sales tax increase and as you know, that was a combination of arterial streets, light rail, mass transit, buses and also freeway improvements. So, yes, the partnership was very aggressive in trying to promote that, as were our counterpart, West Mark which is the West Valley group that promotes the West Valley, the Greater Phoenix League, the GPL, they were active. We were at the able and out there trying to make sure that the edge, the voters understood the importance of that for the community.

Councilwoman Littlefield: Thank you.

Mayor Lane: Thank you, Councilwoman. Councilwoman Korte.

[Time: 01:33:15]

Councilmember Korte: Thank you, Mayor. Mike, one simple question, when your board is discussing an issue, and there is division amongst your board on a given issue, how is your process, how does your process take that issue to completion?

East Valley Partnership Representative Mike Hutchinson: You know, when I was with the city and we had a tricky planning and zoning case which you see lots of them, staff used to put in front, careful consideration was the staff recommendation. So we are careful in terms of the issues that we take on as an organization. We would not go into an individual city organization. That would not be an issue we would take on as a partnership. We are careful about that. But we have a process that we go through the governmental relations committee, they vet it and make a recommendation of the full -- it usually goes through the executive committee. They take a look at it and then we take it to the full board and we have an open discussion. We usually have both sides come if there are two sides of the issue, you have both of them appear and then the organization just has a healthy debate and they take action. On occasion, they have decided to take no objection, to not take a position. That's dependent on what the item in front of them is.

[Time: 01:34:51]

Councilmember Korte: Thank you. I support this expenditure tonight, because I believe that we need to continue better collaborating and building consensus with our sister cities and private sector. This really is a small investment to test the water and obtain a better understanding of what we can gain from it and what is out there. And what opportunities are out there. So with that, I make a motion to adopt Resolution No. 10006 authorizing the city's payment of membership dues in the amount of \$3,750 to the East Valley Partnership for the period of January 1, 2015 through June 30<sup>th</sup>, 2015.

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

Councilwoman Milhaven: I was sitting here going through your website while my colleagues were questioning you and what an impressive website and a great representative of all of your members who are clearly very influential in your community and some of the projects. I want to congratulate you on the good work I have been reviewing on your website. I'm supporting this because as soon as we think we are the smartest city in the world with all the answers, I think we are doomed. We have to keep our minds open to brainstorming and new ideas and be able to be willing to collaborate and brainstorm. We are not committing ourselves to anything other than being at the table to exchange ideas and to share. I think \$3,750 is a small investment to see what brilliance we may be able to get from some of our community partners. And so thank you for the invitation.

[Time: 01:36:44]

Mayor Lane: Thank you, Councilwoman. I have a couple of quick questions, if I might, and they are the policy and the approach that the organization has taken towards their efforts for business development and one of them is, first, you mentioned something about, let me put that aside for just a second. What you did mention something about that was going on with the Mesa Phoenix Gateway and that and I wonder is the organization a strong advocate of the change of what was represented to the public of a loan turning into equity, this the several million dollars that they were committed to just recently, was this something that the organization backed that changed that program for those communities?

East Valley Representative Mike Hutchinson: The organization did not take a formal position on that. Roc and I were briefed on by the airport director. A very complicated subject. I was there when that was established. I was active in that process and so it was a very sticky issue.

Mayor Lane: I know you were involved, the organization was involved, at least by planning as you were talking about and frankly even in the financial structuring of that deal as it was when it was originally proposed to the general public as a loan. So I know you were on that end of it. But I was wondering whether or not you were part of the suggestion.....

East Valley Partnership Representative Mike Hutchinson: We were briefed on it.

Mayor Lane: Until there was no longer a loan, it was equity. The other one was with the Apple G.T. proposal. That was an East Valley initiative with Mesa at the lead of that. There was another major component that involved some of your member cities and I don't know whether this is pervasive, but it goes to some of the things we talk about and some of the tactics employed by the East Valley district and that was to have a business attraction or program.

I know that the school district themselves voted it down initially but they were berated and busted back into the fact that they had to relinquish and give that money and it's always been something that I seem to be, not only is it contrary to the way we operate here as far as the tax incentives and subsidies, but now going after school funds, you know, school tax funds, of course, just seemed to be a completely reverse of the kind of tactics or strategies we would be employed as far as the advocacy of business attractions since school and education is such a major component when we consider that attraction. Somehow sapping that money off, it just seems a little contrary. I don't know if you took a position, the organization took a position.

East Valley Partnership Representative Mike Hutchinson: The organization did not take a position on that.

Mayor Lane: But it is part of what those packaging of incentives and subsidies, it's part of the program for all the cities that are part of your East Valley Partnership?

Mike Hutchinson: Some do use that strategy to try to, as incentives, you are right.

[Time: 01:39:57]

Mayor Lane: The one thing that we talked about a little earlier and I want to say it again, because I think this is a critical component for us. Once we join an organization, we do have a commitment of sorts. It's not just a financial commitment. It's a matter of you are joining into a group, you now stand with that group and whatever tactics or whatever strategy or what they are employing. In the case of the East Valley, I know you are struggling with a branding. A rebranding for East Valley and I appreciate that effort. But it would be a rebranding for the City of Scottsdale too and I'm really a little concerned not only about our business development and how we are branded and how we have developed, I think on a rather successful way our business side of branding but I'm even more concerned about our tourism branding and whether the CVB would be concerned about a rebranding that would include Scottsdale in that overall look and feel.

The other is you mentioned something about transportation, and being a supporter of certain tax initiatives for transportation, whether it's Prop 400 or prop 300 prior to that and I appreciate that kind of thing, but that is also something that we all now certainly not on the initial, but all now have very strong, solid, regional participation through M.A.G. on those efforts and frankly, individually as cities as far as that goes. And I think that's, that is certainly an area that we are on a regional basis and I feel we are very comfortable with what we are doing there, and whether we agree with everything that's going on, it's something that we are committed to, absolutely, whether we agree or not, we go with

the policy of the majority there. There's a little bit of dilution of our individual city's view of things in that process.

On the business development side, we are in good standing with great representation and at no small government, I might say, from the standpoint of the A.C.A., and to the taxpayer dollars there and from our constituency and per capita basis higher than most. And then the other is G.P.E.C. which is a prominent industry and business, and includes all of it and we are participants and partners with all the cities in the East Valley Partnership as well. So we have G.P.E.C., which has been a strong representative for all of us, I believe, and I mentioned earlier using the sort of sub membership group. Recently everybody has gotten involved and how do we re-invent ourselves a little bit? We spent millions of dollars and frankly hours and years of the effort, really in creating what we have in Scottsdale. Now if that's lofty, that may be, maybe that's something I shouldn't want to be in.

We are proud of what progress we have done over the years but it has been a major commitment that most people in our community would be concerned about potentially diluting to say least but also putting us into a sameness bucket. If that's lofty, I apologize for that but we are all here to represent the City of Scottsdale first and foremost. I do think that there's been a level of participation by not only our Economic Development Department, with some elements of your organization. I have been to a number of events as well, and frankly, I certainly respect that the cities years ago, almost 30 years ago decided they didn't have a voice. And I appreciate and understand the effort here.

I'm just, I just do not believe that this is in the best interest on the short term or the longer term right now and that's not meant to be thinking that we are the smartest person in the room or city in the room, but we have had a fair amount of success and we are a little protective that. And we have done this before in the sense that we realize and I don't say this in a lofty way, that we probably bring a lot to the table for association with it and we sacrifice maybe our label, maybe our reputation. We homogenize ourselves with different interests and different antics in how they employ that. One thing is that we might put ourselves at a disadvantage in sacrificing over the longer run a view of ourselves our representation in that. And sacrificing that and instead, in a field of potentially sameness and I'm not trying to be exaggerative, we also do not employ the same kind of tactics or tools that some people might put it and some people do. We would be putting ourselves at a disadvantage in the group.

This other element and I will leave this as the final comment and I'm not really interested in how many groups are a member of, I mean, I think it's important to be focused with the groups that represent us all, G.P.E.C. and A.C.A. and try to make sure that our department here in the City of Scottsdale which has done a fine job of not only taking information from both of those very informative groups and being able to break it down to what's important for Scottsdale and making sure that our representation there is positive.

So I for one will not support the motion, but I do appreciate you being here, certainly, Michael and my regards to Roc. You know, he and I serve on the transportation subcommittee with M.A.G. and I know he's involved with G.P.E.C. as well and now he's involved with the administration in the same arena of things. So I know he's spread into this field very, very heavily.

[Time: 01:45:52]

East Valley Partnership Representative Mike Hutchinson: And Mayor as we started into this discussion with the communities about rebranding and making sure that people understood the positive aspects, we have been very, very careful. We got lots of feedback, exactly what you have said. Are we going to dilute our community? We are very sensitive to that. From the beginning, we have been in communication with the A.C.A. and Barry Broome and G.P.E.C. about what this is about. We are trying to improve people's understandings of the great things in this region. The last thing we want to do is dilute an individual city. We have the Economic Development directors, we get their input. Danielle would be in that group. We have a marketing committee made up of the various stakeholders in this project who are, really these are sophisticated people giving us very good advice but we are very sensitive to the individual identities that exist in the communities. And the great work, frankly, that all the communities have done to promote themselves.

Mayor Lane: And Michael, I might just add to, that and I certainly appreciate that, that observation but we probably have more at stake than most of those communities and, again I don't say it in a lofty way, we have been at it for a long time. The initial branding was something as it related to our tourism. It's with our events and the transition of those events. We have been willing to share through G.P.E.C. and other organizations our advantage in that area.

East Valley Partnership Representative Mike Hutchinson: It's been fantastic.

Mayor Lane: We are not isolated and we are not selfish about it but one of the other things that I suppose that brings to mind is the fact that we have actually a different product than some of the other cities and businesses that are associated with the East Valley Partnership. So that being said, I mean, I do appreciate it and there is a motion on the table to approve. But I won't be on the yes side of that. Thank you again. Vice Mayor Phillips?

[Time: 01:48:13]

Vice Mayor Phillips: Well, thank you, Mayor. Well, I think for \$7,500 to get a seat at the table for six months is worth it. We have one convention here, it will pay for it. Or \$3,700, even less, you know? Try buying a car for \$3,700. So I think to get a seat at the table and see what's going on. The East Valley has exploded in the last ten years. What's going on? What are they doing? Can this benefit us? What can we bring to the table? I think it's worth \$3,700. So I will be voting for it.

[Time: 01:48:49]

Mayor Lane: Thank you, Vice Mayor. Thank you again very much for the presentation on both parts. It doesn't seem that we have any further comments either from the Council and there's no comments from the public on this. So I think we are then ready to vote. All of those in favor of the motion as it's been fielded, please indicate by aye and those opposed with a nay. Nay. Okay. The motion does pass, 4-3 with Councilwoman Klapp, myself and Councilman Smith voting against it, but



thank you again.

East Valley Partnership Representative Mike Hutchinson: Thank you very much.

Mayor Lane: All right.

**MAYOR AND COUNCIL**

[Time: 01:49:49]

Mayor Lane: Our Mayor and Council item this evening now, officially is our evening for sure, is ethics refresher training. A refresher for some and maybe brand new for others but nevertheless, we do have our City Attorney Bruce Washburn here for this really inspiring presentation.

[Time: 01:50:12]

City Attorney Bruce Washburn: Thank you, Mayor. I sure hope I can live up to that. As for a refresher for some and maybe new for others, the fact is that the new Council, two new Councilmembers might find this to be a bit of deja vu all over again, because they just did their full training several weeks ago. But this is the annual ethics refresher training that is required by the city's ethics code for all the Councilmembers, and this is now the sixth time that I have presented this, and I have had the same picture with the same gentleman at the same crossroads for all six of those. Maybe someday, I will be able to move him past that particular intersection.

Today, we are going to talk about Open Meeting Law and we're also going to talk about the perennial topic of gifts, and then have a chance for Councilmembers to bring any questions toward that they may have. Although, actually as I'm going along, if you have questions that you want me to address, please feel free to let me know and I will be happy to talk about them and talk about them as we go along or we can talk about them as we go along. The Scottsdale Ethics Code, 2-51 that deals with open government notes that the official Arizona public policy is all meetings be public. The Ethics Code states that the Council shall have a mind-set of openness. The adherence to the open meeting law. The City does exceed the open meeting law in many respects. The Council rule that requires that when possible the materials be made available to the public ten days in advance of the actual meetings far exceeds the 24-hour requirement under the open meeting law. Also, the Code recommends that the Council exercise caution regarding the Executive Sessions. I happen to know that compared to many other cities in the valley, the City of Scottsdale has a very low number of Executive Sessions. Many cities have them as a routine matter, prior to almost every meeting, we do not do that.

And then finally, the no favoritism regarding the access to information and I think that the Council has addressed that issue by the fact that the City has a very vigorous administrative procedure for responding to a public records request. In fact, the Public Records request coordinator is located in my office, and the City, again, I think, does a better job than many other cities in responding to Public Records requests and making sure there's no favoritism regarding the access to information. And

then the final point in this section is that the City Attorney is to vigorously promote and enforce open meeting laws being active and assertive, I will do my annual excuse me when I vigorously enforce this, but this is the ordinance's path and so that's my job. Open meeting laws under the Arizona statute, it states that all meetings of any public body shall be public meetings and all persons so desiring should be permitted to attend and listen to the deliberations and proceedings. And the public policy is that the business of the public should be done in public.

With respect to public meetings, public participation, unless you are actually having a hearing, but for the meetings themselves, the public participation is not required. The City does, in fact, provide for public participation through the comments at the beginning and the close of the meeting that are available to the members of the public. But the primary emphasis of the open meeting law is that the, is that the public is supposed to be able to come and see the deliberations and see the deliberative process as it takes place and see what actions the Councilmembers are taking.

So what is a meeting? Meeting is the gathering, in person or through electronic means of a quorum of the Council, which they do one of four things, they either discuss public business, they propose public business, they take a legal action or they deliberate regarding public business and this is by a quorum. And the deliberation is the exchange of information prior to taking a legal action. Basically if you have a quorum, for the City Council, that's four members, a quorum or more that gather either physically in person or through technological means. It doesn't have to be through technological means. You can have a gathering by people kind of like a quorum talking among themselves, you know, two members could talk to each other and then they could go talk to two more members and say what they talked about and that would be a quorum. In fact, the Attorney General has the obligation to enforce these laws is very strict about that, those kinds of gatherings. So in any event, the meeting is a gathering of a quorum in which they do one of the four things, discuss, propose, take legal action or deliberate. There's no distinction made between discussions of facts or discussions of opinions. A two-way discussion of facts by a quorum regarding the City's business constitutes a meeting and deliberation is collective acquisition and exchange of facts preliminary to a final decision. This gets to be confusing sometimes because if all of the Councilmembers just receive facts, and that happens to you all the time. You get emails from constituents. You get memos from staff, where you all receive the same information on matters relating to the public business, that doesn't constitute a meeting. It's when you receive them together and talk about them, deliberate about them at the same time that the meeting actually takes place.

Executive sessions. As I stated before, the City of Scottsdale does a very good job of making the exception rather than a rule. The thing about the Executive Sessions is the public is not allowed to attend the discussions. They don't get to that part of the public business taking place in public. But the restriction is that no final decision can actually be made at an Executive Session. The vote always has to occur in public. So you will remember that, for example, when we are trying to decide how much money you authorized the staff to bid at a state land auction, the discussion regarding that amount takes place back in the, in Executive Session for obvious reasons because if you are going to bid, the last thing you want to do is tell everybody what your top dollar is. But the actual vote authorizing the bid has to take place in public.

There's a statute that says what the circumstances are under which Executive Sessions can be held. First is personnel matters and that's when you do the review of the charter offices every year, or when you are hiring a charter officer and they have the Executive Session to discuss those personnel matters. Legal advice and the thing about legal advice is that this is where I, the representative of the City Attorney's office can meet with you in Executive Session to give you legal advice. You can ask me all the questions you want to about the advice I'm giving you, but what you cannot do is discuss amongst yourselves in the Executive Session what to do with that advice unless some other exception applies and, again, the Attorney General's office is very concerned about those kinds of discussions going beyond just receiving and discussing the legal advice and very concerned about public bodies determining what action to take as a result of the advice. And then the three that I think as always going to contract negotiations, litigation or sediment discussions. These are the kind of things that if you did them in public, they would be a great detriment to the city and the citizens. If you had to give us direction or discuss with us what we could do in contract negotiations, how much money we should be willing to pay in a settlement or what we should be willing to pay for real property. The confidential records exception. I don't remember that we have ever done an Executive Session for the review of confidential records but that's available. Employee organization negotiations. We haven't done one of those in the five years I have been City Attorney, at this time we don't have employee organizations. And then specific negotiations with foreign powers and tribal entities, we might do one of those someday. I don't think we have done one of those at least not in the last five years and the point I want to make about this, is this gets back to my obligation to vigorously enforce the open meeting laws. When we are back in the Executive Sessions, I do try and keep an eye on making sure that the discussions are limited to the items that are allowed. It's easy to get afield on those, but I think for the most part, the Council has a pretty good consciousness about that and does a pretty good job.

Accidental meetings, that's a term of art. These are basically meetings that are not really meetings when the quorum of the Council is together in one place. If the city knows that will happen at the recommendation of the Attorney General, the city's recommendation is to post a non-meeting meeting notice that the quorum of the Council will be present in one place but no meeting will take place. The one thing I want to caution you about that, is if there is a quorum of the Council that's at some forum for some discussion, if you get up and start talking about matters that are, items that could come before you, if there's a quorum of the Council sitting there, that can constitute a violation of the open meeting law. So you have to be very careful there's four or more of you in the same room, to be sure not to, you know, accidentally slip over into having a discussion of some matter that might come before the Council.

I wanted to refer to the prohibitive one-way communications. And that is most of the things that constitute a meeting, you know, taking legal action, discussions, deliberations require two people, but only one, it only takes one person to actually propose a legal action, and, again, this is a problem that you could easily have at one of these accidental meetings where a quorum is present but not public action was contemplated, and here's what I think we should do to solve it. Right there you have now proposed a legal action with the quorum of the Council present and that can constitute a violation of the open meeting law. The Attorney General has taken the position and I think, I thoroughly agree with this, that putting items on an agenda is not a legal action, because there's no final result that

comes from that, the fact that something is on an agenda doesn't mean the Council will adopt it, not adopt it, take any action on it. So the Attorney General has said that just proposing a matter to put on the agenda is not, cannot constitute a violation of the open meeting law. That's why we have in the Council rules, four members of the Council can talk among themselves and decide to put a matter on an agenda. However, the Attorney General strongly advises and I strongly advise that you have to be very careful when you are talking about putting something on an agenda. I think we should put it on the agenda whether or not we put an agenda on X and Y street. Versus putting a street light on X and Y street, because we really need it. The first is available.

[Time: 02:02:55]

Mayor Lane: Can we go back one slide?

City Attorney Bruce Washburn: I'm working on it. I was doing real great going through them.

Mayor Lane: Sorry about that. Well, prohibited one-way communication. I think, yeah. So is there a point of some discussion. Proposing legal action versus proposing which sort of assumes urging an outcome? A proposed is urging an outcome. One-way communication on that level is prohibited?

City Attorney Bruce Washburn: Yes to a quorum.

Mayor Lane: Okay. So in other words if there's no other conversation -- I guess it's not one-on-one. So that kind of proposal to a quorum, even serial quorum would be illegal?

City Attorney Bruce Washburn: Would be a violation of the open meeting law, yes, that's correct.

Mayor Lane: All right. And when you say -- and I think it's the next slide, when you talk about proposing an item for the agenda does not propose legal action. So that seems like maybe it's a subtle difference but, I mean, just not sure what the difference is.

City Attorney Bruce Washburn: If you say, I think we should put a stop light at x, y intersection. People could never you want to put the stop light there. As long as you don't say, "because I think we should put the stop light there," the Attorney General has said that's not a violation of the open meeting law.

Mayor Lane: So it's a subtle difference and by inference, you could draw the same conclusion.

City Attorney Bruce Washburn: Yes. Truthfully not everything that everyone wants to put on the agenda is because they want to do it but because they want to have it discussed. Nevertheless, that's why the Attorney General recommended extreme caution when having these discussions. It's so easy to slip over on the other side.

[Time: 02:06:58]

Mayor Lane: What is the consequences of that violation?

City Attorney Bruce Washburn: The violation of the open meeting law, if they are intentional can result in? Fact, it can result in the removal from office. The consequences could be substantial. The biggest consequences that actions taken in violation of the open meeting law are void and then you have to go back and if you want to, in fact, have that action be taken, you have to go back and ratify it and anybody who has suffered damage because you violated the open meeting law could bring suit. But those are -- those kinds of consequences don't really come into play when what has happened is this kind of you know, almost accidentally, indicating to people how you want to act on a certain matter. Because the fact of the matter is no stop light gets put at x, y intersection should be put on the agenda because I think we should do it. If there's an intentional violation, it can lead to fines and I'm sorry, I can't remember the off the top of my heads of the fines and if it's serious enough for removal of office. That's pretty rare. What usually happens, cities have problems with the open meeting laws is the Attorney General comes in and determines that, in fact, there's a problem and the City enters into a consent arrangement where they will go forth and sin no more and do extra training, those sorts of things if it really is unintentional violations.

Mayor Lane: More than 12 years ago, we were sanctioned for an Executive Session violation, which I think really constitutes an open meeting violation.

City Attorney Bruce Washburn: Yes.

Mayor Lane: And there were specific sanctions that we were to employ. I don't know whatever happened to that necessarily, but those were employed for a period of time, but one of the concerns we had is they didn't carry forward from Council to Council. But that sounds to me like that was the kind of resolve that ended up with that violation at that point in time.

City Attorney Bruce Washburn: Yes, that was before my time at the City but that's exactly the kind of thing I was talking about.

Mayor Lane: Yeah. Okay. I'm sorry. Continue.

[Time: 02:07:40]

City Attorney Bruce Washburn: Getting back to the -- when getting information doesn't constitute deliberations, and as I referenced, before you will receive information from staff on public matters that will come before you and, again, this is from the Attorney General's handbook. So it's always -- it's always could comforting to know what the Attorney General thinks is permissible since they do enforce this. The passive receipt of information from staff without more, does not violate the open meeting law. So we can send out the agenda packets and things like that. What staff cannot do is circumvent the open meeting law by informing the quorum of the Council what one member of the Council might think about something. So it's not permissible to say, you know, I'm forwarding to you from Councilmember x the following email regarding matter y. And that's really

staff's problem to keep an eye out for that and we do.

[Time: 02:08:45]

Mayor Lane: Mr. Washburn, I know years ago we had the concern that was expressed of opinions and frankly vote positions that were expressed in articles in the paper. And sometimes in response to a reporter as being -- and I realize it's in a public forum but it's not in our public forum. What was the decision on that and how that influences other members -- you know, sort of a wider expanse of a quorum.

City Attorney Bruce Washburn: Yeah, the decision on that was the State Legislature actually passed a law to address exactly that issue in which they said it is not a violation of the open meeting law for, you know, a Councilmember to express, you know, to the press or in public, you know, their opinions, even knowing that it's going to go to the other Councilmembers which obviously it is, as long as they are not doing it with the other Councilmembers present or as a means of circumventing the open meeting law. It's that last one that you have to be careful about because -- because there's so much media these days, you know, everybody with a blog, you know considers themselves a media. There would be -- there's always the potential for -- you know, for that to be used as a way of communicating to other Councilmembers. Basically, I believe the purpose of that legislation was to make sure that on the one hand, you know, Councilmembers, politicians, elected officials can communicate to their constituents the matters on which their constituents have a vital interest in knowing their positions and not violating the open meeting law. That came up because the Attorney General had taken the position that it could violate the open meeting law, and the legislature fixed it the next year. Does that answer the question?

Mayor Lane: Yes, it does.

[Time: 02:14:11]

City Attorney Bruce Washburn: Texting during meetings. I knew this was a matter of some interest in Arizona right now. I did a couple of things. I contacted the Attorney General's office. The Attorney General's office has a group that's called the open meeting law enforcement team, cleverly named O.M.L.E.T. and I asked basically what the Attorney General's thinking is these days on texting from the dais. And I'm saying texting but what I mean is all forms of electronic communication from the dais, texting and emails and all of those things that I have to ask my daughter about, that people use to communicate with one another.

The A.G. recommends that cautions be used regarding electronic communications during meetings, that people need to keep in mind that the deliberations include the exchange and the discussion of information and so it would be possible to have a violation of the open meeting law if one Council was sending text or emails to other Councilmembers saying, well, you know, with respect to this item, when I was driving down here today, I saw the following. I mean, that right there would cause -- assuming it's relevant to the matter that's being discussed. That right there could constitute a violation of the open meeting law.

And the other thing that the A.G.'s office told me was that they have a big concern that even if -- if people are just sitting there texting or talking or whispering other passing notes or whatever, that this is supposed to be the time when the open deliberations are taking place, that the public gets to come down and watch and it undermines public confidence in the openness of government, because they don't know what is being said. They don't know who is being texted, you know who is getting emails. So while it might not be a violation, and I'm hoping and thinking with our Council, it would not be a violation because I think you guys know better than to do this that the A.G.'s office thinks that it can undermine public confidence.

I checked with Peoria regarding their no texting rule and you may have seen in the paper that the City of Peoria, Arizona, adopted its own Council rule regarding texting during meetings and I called up the City Attorney to get the story on this. And basically what the rule does is it -- during Executive Sessions, it bans all use of any device that could be used to communicate electronically. So basically during Executive Sessions, the rule says you can't have your iPad on. You can't have your phone on. You can't be doing texting on your smartphone or anything like that. And then during Council meetings, because they do the same thing we do, they use their iPads or whatever for the materials that the Council is looking at during the meeting. So you couldn't prohibit having the iPad on during the public meeting. But they do prohibit the using of the iPad or the smartphone or anything else for the purpose of sending information to other people. So, you know, it's a very strict rule. You know, it would mean during the whole meeting, basically nobody is supposed to be texting or anything and it's meant to address this very issue of the public doesn't know what you are doing. So in order to maintain public confidence, they have banned it.

[Time: 02:14:11]

Mayor Lane: Mr. Washburn, you used the term "sending" exclusively, did you mean send -- only sending.

City Attorney Bruce Washburn: No, sending or receiving. Basically, you are not supposed to be doing any electronic communications during public meetings either way. And, you know, we are going to be coming back with possible changes to the rules that our Council has adopted and if there's interest we can bring back a rule like this for the -- for the Council's consideration.

Mayor Lane: Councilwoman Korte.

Councilmember Korte: Yes, I would be interested.

City Attorney Bruce Washburn: I think we can put together some -- probably -- I would probably start out along the lines of what Peoria has done and then if the Council wants to do something different, when we are having that discussion, which we can't have now because we are not agendaized for it, but when we are having that discussion, you can let us know if you want to make changes or refinements to that. So I will plan on doing that.

Mayor Lane: Mr. Washburn, obviously, that's to the specific enforcement or frankly, rule that we would impose through our rules, our procedures -- our procedural rules here, and we have done this before, of course, in modifying it, but it doesn't, in the meantime, it doesn't change anything with regard to the advice we have as far as open meeting is concerned.

City Attorney Bruce Washburn: Not a bit.

Mayor Lane: It's just a way of safeguarding ourselves from ourselves to have some specific rules on that.

City Attorney Bruce Washburn: Yes, it makes it clear --

Mayor Lane: I don't mean our intentional or perception of.

City Attorney Bruce Washburn: It makes it clear for the Council, how the Council intends to deal with this issue and also gives the public a chance to weigh in on how they think the Council should deal with this. Because they get to comment on the rules and the proposed changes.

Mayor Lane: I'm hoping the Vice Mayor was watching us on TV for the last 15 minutes or so, otherwise we will have a refresher course separately for him. But in any case --

[Time: 02:16:19]

City Attorney Bruce Washburn: Yes, I'm sure it was the best thing on. Okay. So that's open meetings.

Let's do the annual discussion of gifts because this does seem to be, you know, probably one of the recurring issues and not that I'm -- I don't think there are problems. I think people get this pretty well, but I like to go over it each year, just because it's fairly complicated. There are, in fact, two sections of the City Code that apply to Councilmembers when it comes to gifts, and one is the -- is the part of the Ethics Code, which is Scottsdale Revised Code 2-50 and the other one is Section 14-135 and I will talk about that one in a minute.

Section 2-50 is the part that applies only to Councilmembers and board and commission members and that's the Ethics Code. And it basically prohibits soliciting, accepting, receiving, whatever gifts from people who either have regular practice in front of the Council, at the city, or have a specific matter coming before the City. Anyone engaged in the general practice or with a specific situation involving the city decision making or permitting process. And basically, the Scottsdale Revised Code, the Ethics Code says that you cannot accept gifts from those -- from those people of any kind unless and then that's the exception which is Subpart Bb. And this is -- this is -- it's not that common. There are not that many people who have regular practice in front of the City. You know, I think -- I usually think of that being, for example, the zoning attorneys who are in here on a regular basis. They are not the only people, but they are the easiest example that comes to mind. And then there are not that many people who have specific items coming before the Council.



So this prohibition does apply in those circumstances and the exception is if it's entertainment, hospitality, and token mementos directly associated with the events that the Councilmember would be attending as a representative of the City. And two things I want to point out about that. Events is not a defined term, but I think events means something other than the entertainment itself. In other words, if it's just, you know, tickets to the opera or something like that, that would be the entertainment, but that would not usually be an event that I think that it would be contemplated by that code. I think it's reinforced by the fact that you have to be attending as a representative of the City.

We talk about this every year. That's also not a defined term and so I think of it as there's a continuum and the gold standard would be if there's a program and you are in the program, and you are up on the dais and you are speaking to the group and you are recognized as Councilmember so and so or Mayor from the City of Scottsdale, you know, there I think you are clearly attending as a representative of the City. The other end of the scale if you are walking around some event and, you know, somebody says, oh, what do you do? And you say, well, I'm a Councilmember. Okay. That's the far end of the scale that I'm pretty sure you are not there as a representative of the City. And representative of the City can't mean that you are invited because you are on the City Council because then the exception would swallow the rule. So every time you get a ticket means you are a representative of the City. There's no hard and fast line that says, yes, these things prove that you are there as a representative of the City and these things mean you are not. It's a judgment call.

I'm happy to work with any of you if you want to discuss how it applies in each situation. I think to be a representative of the City, it has to be more than you are sitting in a seat watching the ballet. I think it's one that will probably never happen and it's easier to talk about in the abstract. Not that that would be a bad thing. That's the exception for gifts that you get from people who have a regular practice in front of the City or who have a specific situation.

And I think the word "situation," by the way was used very intentionally because it doesn't -- it's not just limited to a matter that's pending before the city or a matter -- a specific matter that's -- you know, where they are already in for an approval. It's a situation, which I think is a term that's broad enough to cover people that you know are going to be coming back in front of the City, you know they are going to be in front of the City at some time in the future. But if you are permitted to accept one of these gifts, you have to declare it to the City Clerk if it's worth more than \$25 and you use a declaration gift form, unless Section 14-135 does not require reporting it and that's the other section that we need to talk about.

Section 14-135 is the one that applies to board and commission members, Councilmembers and also charter officers and all City employees. And it prohibits soliciting gifts for personal gain, payment or reward for services, or acceptance of anything that can be reasonably construed as an attempt to exert improper influence and, again, that's -- you know, that's a judgment call.

My advice is to err on the side of caution on that because the thing you have to worry about is if somebody is looking -- some judge looking back on this at some other time might have determined

that you made the wrong judgment, but these are the things that are not considered a gift. And that is things that reflect that you are engaged and reflect legitimate public duties or purposes. That's events sponsored in whole or in part by the City, and you have on the dais a list of the events that I know of this year that are sponsored events where the city is a cosponsor and we put in the contracts for those events that the city is a cosponsor. So that's how we know we are cosponsors. And for the public, the -- that list of events will also be made part of the minutes of this presentation, and it should be available to the public when the minutes are. So events that are sponsored or funded in whole or in part by the City.

And also reasonable hosting expenses for official speaking engagements or appearances on behalf of the City, public or civil purpose is served. I think this can be treated the same as the discussion we already had on the -- you know, when are you there as a representative of the City? Gifts of goodwill or tokens after appreciation accepted on behalf of the City. The Attorney General's office has given an example of this, where they think it would be permissible and would not be a gift and in their example, if you are given a \$25 gift card that is not a token. So that gives you some idea of what the Attorney General thinks is and is not a token.

But in any event, if it's accepted on behalf of the City, I don't think you can get in trouble on that. So -- and then also received and donated to charity. And we have talked about that before, the received and donated to charity, I think might come in handy if you are in a circumstance where you are there on the dais and you performed some public duty, and then they say to you, had oh, thank you so much, and by the way, you have a car, you have a car, you have a car. Okay, clearly not tokens but you also don't want to stand there and say, I can't take that. It looks like you are trying to bribe me. You say thank you very much and you drive it home and promptly donate it to charity and document that you did it. So that's a gift you received and documented and donated to charity.

The bottom line on all of this is for the most part, the gifts that you are going to have to deal with are the ones where it's a -- given to you by the City or a cosponsor and if it's one of these events that's sponsored, the ticket has to be given you to either by the city or by a cosponsor. It can't be from some third party. It's got to be given to you by the City or some cosponsor, for it not to be considered as a gift. And those that you are a representative of the City and there's that continuum and you have to figure out where you fit on that continuum to determine where you fit into that.

The sponsored events, I gave you that list and it's not all events on city property. It's all the ones where we are, in fact, sponsors and the list is on the dais there. So that completes my presentation on. I would be happy to address any questions.

Mayor Lane: Thank you, Mr. Washburn. That was very comprehensive and I think we did ask a few questions along the way. I do not see any additional questions at this time. So thank you, again, for the presentation. And it was really inspirational.

#### **CITIZEN PETITIONS**

[Time: 02:26:02]

Mayor Lane: Well, we also have two petitions to consider. They were both addressed by speakers at the beginning of this meeting. One by Carol Ziffrin with regard to the Bus Route 72, which I think you all even have a copy of, not only of the petition but the signatures on that, as well as Deanna Peters with regard to the dwelling unit issue of 30 days stay and our current statute or ordinance. Are there any comments? Councilwoman Littlefield?

[Time: 02:26:34]

Councilwoman Littlefield: Thank you, Mayor, I would like to move to direct the City Manager to investigate the matter and prepare a written response to Council and a copy to the petitioner for Carol Ziffrin's petition regarding the transportation expansion.

Mayor Lane: I would seek a second.

Vice Mayor Phillips: Second.

Mayor Lane: I have a few seconds on that. In any case, I think I heard Councilwoman Klapp -- I'm sorry, Councilwoman Milhaven on the second on that. So that's an indication of a first and a second. No further comment on that. We are ready to vote on that motion. All those in favor, please indicate by aye. Those opposed with a nay. Aye. It's unanimous to accept that motion to move that forward for consideration by management for response.

[Time: 02:28:56]

Mayor Lane: Then the next one, obviously is Deanna Peters as the residents of Scottsdale, petitioning on the zoning side, a vacation or private residence that may not be rented for 30 days. Vice Mayor Phillips?

Vice Mayor Phillips: Thank you, Mayor. I think this is a pretty complicated issue, actually. There are a lot more things to it than just this. Obviously for the Council to revise the ordinance tonight is not going to happen. So I will make the motion to direct the City Manager to investigate the matter and prepare a written response to Council with a copy to the petitioner.

Mayor Lane: I will second that myself. And I would just say just in follow on to that second that is the order of business for us this evening, is only as to whether we move it forward or not, certainly not to change an ordinance tonight. Councilwoman Littlefield?

Councilwoman Littlefield: Thank you. I was just going to second that motion also. Thank you.

Mayor Lane: Well, very good. Then unless there's any further comment on that, then we are ready then to vote. All of those in favor, please indicate by aye and those opposed with a nay. Aye. Again, unanimous to move that forward as has been indicated by the motion. So that takes care of the petition issues that we had before us.

**ADJOURNMENT**

[Time: 02:29:20]

Mayor Lane: We have no further Public Comment cards or anything on that. We have taken care of the petition and we have no Mayor and Council items. I will say this, that I think this is an outstanding first meeting and I certainly want to appreciate -- or want to express my appreciation to our new members, and great first meeting. It's good to have you on board. So with that, I will accept --

Councilmember Korte: Move to adjourn.

Councilwoman Klapp: Second.

Mayor Lane: It comes from this position and the second. All of those in favor of adjournment, please indicate by aye. We are adjourned. Thank you very much.