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CALL TO ORDER

[Time: 00:00:05]

Mayor Ortega: I call the October 10th, 2023 City Council Regular Meeting to order. City Clerk, Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:16]

City Clerk Lane: Thank you, Mayor. Mayor David Ortega.

Mayor Ortega: Present.

City Clerk Lane: Vice Mayor Solange Whitehead.

Vice Mayor Whitehead: Here.

City Clerk Lane: Councilmembers Tammy Caputi.

Councilwoman Caputi: Here.

City Clerk Lane: Tom Durham.

Councilmember Durham: Here.

City Clerk Lane: Barry Graham.

Councilmember Graham: Here.

City Clerk Lane: Betty Janik.

Councilwoman Janik: Here.

City Clerk Lane: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Lane: City Manager Jim Thompson.

City Manager Thompson: Here.

City Clerk Lane: City Attorney Sherry Scott.

City Attorney Scott: Here.

City Clerk Lane: City Treasurer Sonia Andrews.

City Treasurer Andrews: Here.

City Clerk Lane: And the Clerk is present. Thank you, Mayor.

Mayor Ortega: Very good. For your information, we have police sergeants, Brian Hiner and Burnis Ingram and a firefighter on duty if anyone requires their assistance. Let's begin with the Pledge of Allegiance. I will call on Councilwoman Tammy Caputi.

Councilwoman Caputi: 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'S REPORT

[Time: 00:01:36]

Mayor Ortega: At this point, we have my Mayor's report. It's been 20 months since the country of Ukraine has been fighting bravely, repelling the invaders. I ask that we please pause from reflection for the people of Ukraine, as they fight for sovereignty, survival and democracy. Thank you.

Our thoughts tonight are with the people of Israel. Who have been targeted by cowardly acts of terrorism. Our thoughts for the families, the fallen, and the unknown. Please join with me in silent

reflection for the people of Israel. Thank you.

So I have a proclamation. It's about a person here in Scottsdale who was one of the early founders, would you say, of the city. A person that was involved with the step program, when in the '60s decisions were made that shaped our city for decades to come. He was a city councilman. He was involved in the selection of this site for our city hall. And coincidentally, tomorrow this building will be 55 years old. So we'll be celebrating that as well. Another location that had been considered at the time, was the Loloma School and that property and the grounds over there. With guidance and discussion among his peers, the decision was to bring the civic center here as well as the library. So I'm going to read the proclamation and I think you will guess who this is about. Okay?

Whereas, Paul Messinger came to Scottsdale to work on his family farm, which was located at Miller and Indian School Roads. He graduated from Saguaro -- excuse me, Scottsdale high. And went on to marry Kora Ross, a classmate, and together they raised two sons in Scottsdale; whereas Paul has resided in Scottsdale for over eight decades, served as the city councilman, and a distinguished three-term state legislator and remains a dedicated volunteer with many Scottsdale organizations; whereas, Paul opened Messinger Mortuary at the farm property in 1959, serving family needs with compassion.

Paul also operated the first ambulance service in Scottsdale and selflessly served as lifetime member of the Scottsdale Charros and many other organizations such as the Elks Club, the Lions Club, to name a few; whereas, Paul Messinger keeps the rich and unique history of Scottsdale alive with his captivating storytelling through newspaper publications as well as his books that encompass the spirit of Scottsdale, enlightening residents and visitors; and whereas, as the City of Scottsdale thanks Paul Messinger for his dedication and contributions to the preservation of our history, and the culture of the "West's Most Western Town".

Paul was involved with three art projects, one was the Yearling Sculpture in the sieving -- Civic Mall and the other was the Monument to the Fallen, which was a tribute to those in our area and also in the Museum of the West which has a big announcement to make. Therefore, I David D. Ortega, the 12th Mayor of Scottsdale, Arizona do hereby proclaim Paul Messinger, I know he's listening out there, Scottsdale Historian, Emeritus, let's give Paul Messinger a hand.

Next, I will call on the City Manager to provide the City Manager's report.

CITY MANAGER'S REPORT

[Time: 00:07:23]

City Manager Thompson: Thank you Mr. Mayor, members of council and those watching from home, we have a short video this evening, it's called Fast Five. We provide these for updates. Here we go.

Audio from Video: Hi, I'm Public Affairs Specialist, Stephanie Hirata with five fast things happening around the city you need to know. Starting us off at number five, Scottsdale is seeking board and commission members. Residents wanting to volunteer and institute a positive change in their

community are invited to apply to serve. Applications will be accepted until October 31st for openings on various boards and commissions, including Board of Adjustment, Development Review Board, Transportation Commission, and Judicial Appointments Advisory Board.

The Judicial Appointments Advisory Board recommends to the city council the best qualified persons to become full-time city judges to evaluate the performance of incumbent full-time city judges and to advise the city council about retaining them in office. Two citizen member positions are currently available on this board and are open to Scottsdale residents who are not judges in any official capacity, retired judges, nor members of the state bar of Arizona. To view a complete list of current and future openings or to apply, visit Scottsdaleaz.gov and search boards and commissions.

Coming up in at number four, Scottsdale's transportation and streets crews wrapped up work on the Shea Boulevard paving project five days ahead of schedule. Construction took place overnight to minimize impacts to the public and maintain business access during typical work hours. 1,200 tons of asphalt were delivered to the job site each night, where 25 to 50 people worked on the project area which covered three miles of Shea Boulevard from Scottsdale Road to 96th Street. And to top that off, no community concerns were voiced during the paving project.

[Time: 00:09:17]

Next up at number three, calling all boys and ghouls, Halloween Spook-Track-Ula returns to McCormick Stillman Railroad Park. Stop by for a spell between 6 to 9:30 p.m. through October 31st as we transform the park into a haunted hamlet. This family-friendly event is perfect for kids of all ages. We'll creep it real with a featured event, a spooky train ride created with younger children in mind. A bit spooky, but not too scary. The event will feature limited capacity in 90-minute time blocks at 6 p.m. and 8 p.m. nightly. Learn more and purchase more at therailroadpark.com.

At number two, historic Old Town streetlight replacement is underway through November. The city is replacing streetlights throughout the historic Old Town district beginning on Scottsdale Road from Second Street to Indian School Road. This improvement project will be completed by mid-November in staggered phases to minimize impacts to merchants and visitors and require limited lane, parking and sidewalk closures on a block-by-block basis. Visit the project website for details at Scottsdaleaz.gov, search transportation network improvements.

Wrapping things up at number one, fall in love with Scottsdale's Civic Center. Old Town Scottsdale proudly introduces the newly innovated civic center. This popular 24-acre outdoor space has been enhanced with more accessible and beautified walkways and quiet spaces to relax. Enjoy new public art, landscaping and directional graphics, including two fan-friendlier concert and entertainment spaces, the east and west bowls. Civic Center remains a hotbed for Old Town festivals and cultural experiences, and is kicking it up a notch this fall with an impressive lineup of concerts and events. If you haven't seen the renovated civic center yet, you now have a growing list of reasons to visit. We continually update our fall calendar. Check back often. Find something new to love. Come see what all the love is about. Visit oldtownscottsdaleAZ.com. And that's it for Scottsdale's fast five for October. Thanks for watching.

PRESENTATIONS/INFORMATION UPDATES

[Time: 00:11:22]

Mayor Ortega: Thank you. Next, we will have a presentation update on Scottsdale Arts. The president is Gerd Wuestemann. Happy to see you, Gerd.

Gerd Wuestemann: Happy to be here, Mayor Ortega. Thank you for allowing me to give you my six-month biannual update. And apologies about this scruff appearance. I'm going on the annual Charro ride. There's a strict no grooming so the city guys look like real cowboys.

We have really had a massive overhaul of this organization and I think I can rightfully say that we are coming into our own. We build from a small core group to be at the max of 32 members. Many of my board members are here with us tonight and I want to thank them for their incredible service to this great organization. They are supported by almost 100 members and various advisory committees so that there's a real root system panning the entire depth of our community advising us are in the direction of Scottsdale Arts and perhaps to better is a representative than our new 50 page season guide back in front of you on the dais. You may peruse. I think you will find it very informative about everything that Scottsdale does today.

This first phase of my being here probably was most pointedly punctuated by a significant gift we received the largest give in the history of the organization, \$11.5 million. We are so deeply grateful for what this gift will allow us and the community of Scottsdale to create in the future.

So Scottsdale Arts has grown tremendously in the last five years. We have grown from three to six major departments, and soon a seventh depth will be added. We see a real revival. We have 257 diverse programs to our community. We just had a doubleheader weekend opening with an ABBA tribute band and the queen of LeAnn Rimes, and we don't forget the core appearance. Jeffrey Siegle here to the left has been with us for 45 seasons now, almost as long as the center has existed and is still going strong with his wonderful performances.

We have a world-class classical series and I'm proud to celebrate after the Scottsdale Philharmonic decided to move to Phoenix -- I will leave that one alone. A new symphony by Scottsdale musicians. I want to recognize Charlie Bowen and Barbara Moss, not only are they newfound board members but they are our orchestra musicians and we are super excited about the inaugural season with us.

SMoCA continues to go strong. It's nationally accredited and award-winning museum. And it's all created in house. And that's almost unheard of. We have two exhibits that we packaged here, touring on the East Coast and various museums. There snag we should be very proud of to take Scottsdale across the country. Also something we were proud of for the second year in a row, we won the best museum in the valley award. Usually that goes to the big three in Phoenix, and, you know, little Scottsdale pride on that one. And, of course, we are terribly excited that on Valentine's Day 2024, we celebrate 25 years of the museum, a very momentum occasion indeed.

Our learning innovation department has reached new heights. We have doubled up in our partnerships with Scottsdale and Paradise Valley and we hosted for the first time ever a family arts fest at SkySong, which even in its first year drew more than 4,000 kids and think parents to the initial appearance. It was just wonderful. In short, we produced hundreds of tours, have an extensive visions high school program and work with 25,000 school kids every year that otherwise would not have any creative engagement, any art classes in our school systems. But learning innovation goes much beyond that for us. We for instance work with de2 theater, a group for adults with disabilities that put two shows on our stage each season. Absolutely heartwarming and wonderful. One the most heartwarming pieces we do. And the Empty Bowls Community Fundraiser which was a huge success with record numbers and in honor of the memory of our Mayor's daughter.

Last but not least, learning means lifelong learning, especially in Scottsdale. So across the city in our community centers, we facilitated program called memory lounge, which is an Alzheimer's care program through creativity that takes place in all community centers from north to south Scottsdale, a wonderful, wonderful program for thousands of people each year.

[Time: 00:16:20]

And a massive milestone, we will celebrate 50 years of public art. And a visionary purchase then and still a visionary piece today. We will celebrate and recreate the inauguration of that piece from 50 years ago. So that's going to be interesting, and we are at the same time celebrating our newest work, the wonderful desert garden by a local artist who created it tout of 8700 hand shaped, hand fired tile and absolutely magnificent piece you may have seen outside in front of the water features. A really great thing.

And to underscore the extraordinary nature of this public art program, we shared with you a little guidebook, a pocket guide of all the 170 plus pieces including maps of where those are located across the City of Scottsdale. Really something that Scottsdale should be very, very proud of. Public art has an extraordinary workload with 19 projects under management this year and managed by three project managers and our amazing team.

They include such wonderful things as the in you city monument markers. It represents the McDowell range, and their abstracted way, and, of course the Drinkwater underpass will soon see its new piece. There's a massive spire installed at Raintree Drive and several more seminal pieces have come online and it's over \$200 million and so a big investment on behalf of the city. We want to thank the city for this. And cycle arts and trolley rights to explore the arts collection across the city.

We have installed augmented reality on every single piece now so that you can on your phone pull up an app that show cases staff telling you about the piece, or additional art work that's only digital that overplays the real experience. And we also will be back in front of you on October 24th with our first draft of a first full rewrite of the public art ordinance, which goes back to 1983, so we felt it's about time.

Lastly, though in public art a lesson on things that we showcase four exhibits in community libraries, again north to south, across the city, each year out of our portable works collection and outside curated pieces as well. So these four exhibits have been showcased over the last nine months in Scottsdale libraries. It's another big piece of service we provide to the city, and to our community. Of course, Canal Convergence it would not be November without Canal Convergence. We are kicking off November 3 through 12th will it's titled the power of play. It will be very playful and fun. It's a festival, of course, with lots of family activities. I just talked to my staff. We have over 100 individual small events, workshops, classes throughout those ten days at the canal. Again, kudos for my amazing team for doing this work. It's a national tourism draw and for the fourth year running we won the best arts festival in the valley. Once again, go Scottsdale!

And, of course, I'm particularly thrilled that after my first five years here, we were able to help the city open this new Civic Center. I think it is magnificent now award-winning new set of venues.

[Time: 00:19:40]

It is a family-friendly park by day, but also becomes a world-class events venue by night. When we open the first half of the park, we took over, I think it opened to the public January 19 and two days later, we produced our first event, the Arizona with Cars and in spring had more than 37 events out on the plaza being and including our own Scottsdale Arts, Outrageous Gala. Some of you were attendance. It was a riot if I may say so myself. Complete with fire.

But then last, just a week ago, I think we stepped into a whole new realm with our kickoff concert at the east bowl, Wilco, I could not have asked for a better opener. Everything went smooth as silk which is no small feat, considering the first show in a big venue represents. It was an amazing night, and the weather couldn't have been better, reminding us why we love to live in Scottsdale and the summer is almost behind us. An incredible event and I think some of you were in attendance and I hope you enjoyed it as much as we did putting it together.

I want to highlight a couple of new partnerships. Robert Rodriguez has been working with his wonderful Muertos celebration. Robert thanks for being here. We are expanding this now into Civic Center where it finds an additional set of spaces to create bigger tug loads and I think it will expand more and we have added the indoor fiesta dancer inside the Center for Performing Arts on the weekend as well. So all great reasons to celebrate.

And, of course, our newest friends and partners, R.J. Lagar and with the Dreamy Draw Country Music Festival November 3 and 4. This is a terribly exciting event, headlined by big national bands that happen to be from Arizona midland and if you look at the long lineup. If you look at just the media list here from Billboard Magazine to Rolling Stone and C.M. it. And Esquire, they will all cover this festival and the new Scottsdale Civic Center.

Yes, we even have influencers involved. I don't know what an influencer is but I hear it's a good thing for

us. We had more than 7 million people check out the website and had more than 3.2 million people check out our various social media. Jazz ambassadors we celebrate Veterans Day this year on November 9, a couple of days ahead of schedule. This is the jazz big band from the U.S. Army Field Band and another very exciting thing to celebrate. Those who have served in our community and express our gratitude.

In short, 80 plus events in the full first season on the Civic Center. This is an extraordinary accomplishment. If you look and earlier was referenced at Fall in Love With Civic Center the Scottsdale run website and campaign, the vast majority of these events or somehow either presented or managed by our staff at Scottsdale Arts. A huge shoutout to our team.

[Time: 00:22:32]

And last but not certainly not least, we also were able to implement as of today this the new Scottsdale Cultural Calendar. A citywide calendar where every arts organization from Taliesin. We worked the last year and a half on this project and it's fantastic. We added our community arts grant and 240,000 in grants and added our own money for the 14 organizations and we are adding another player, Art Spark a creative redevelopment perhaps for Scottsdale Arts programs in the future. To close this I want to underscore how incredibly fortunate I feel to be here, that we are very hopeful that after last week with city staff, it looks like we are on track to finally build a new small theater in a new location thanks to the Mayor for his inspiration that will not impact the interior volume of our atrium.

We hope to open this new theater in October of 2025, at the 50th anniversary of the Center for Performing Arts. That's it for me for today, I thank you for your time and I so appreciate everything we get to do as a partner to the city.

Mayor Ortega: Well, thank you, Scottsdale board members who are here, all that effort. And Scottsdale puts Arizona on the map. And Scottsdale Arts certainly is the draw. I will also mention that the Civic Center, of course is tied to the Scottsdale Stadium, and we have fall ball going on right now too. So we've got the baseball component, tying with cars and all the other entertainment. All I can say is bravo and we join together in saying bravo.

Gerd Wuestemann: Thank you. Thank you.

Mayor Ortega: Well, next, we will proceed with our business for tonight. During tonight's meeting, the council may make a motion to recess into executive session, to obtain legal advice on any applicable item on the agenda. If authorized by the council, the executive session will be held immediately, and will not be open to the public. The public meeting will resume following the executive session. Again, if the council votes to have that.

Secondly, per our council rules of procedure, citizens attending City Council meetings shall observe the same rules of order and decorum applicable to members of the council and city staff. Unauthorized remarks or demonstrations from the audience such as applause, stamping of feet, whistles, boos, yells

and/or other demonstrations shall not be permitted. Violation of these rules could result in removal from the meeting by security staff.

PUBLIC COMMENT

[Time: 00:25:33]

Mayor Ortega: The next step that we are going to get into is called public comment. Public comment is the opportunity for Scottsdale citizens, Scottsdale business owners and/or Scottsdale property owners to comment on non-agendized items that are within the council's jurisdiction. Advocacy for or against a candidate or ballot measure during council meeting is not allowed pursuant to state law. And it is therefore deemed not to be within the council's jurisdiction. No official council action can be taken on public comment. And speakers are limited to three minutes.

If you wish to speak on a non-agendized item, check with the clerk and at this point we have received one request which -- oh, excuse me. There are two requests. The first gentleman, Dan Isaac and then Lee Caufield please state your place of residence or if it's on record.

Dan Ishac: Dan Ishac, address on report. Mayor, Vice Mayor, thank you for the opportunity to speak. I wish to thank you for the bridge housing, thank you for approving the contract between the city and the hotel. A special thanks to Councilmember Durham for quickly and dispelling many of the myths and false narratives that were promulgated by our community and Mr. Graham himself. And not only was it unnecessary but inappropriate stipulation. This was a contract between the city and a private company, a private company should not be held liable for the actions of the city. If Mr. Graham wanted that stipulation, it should have been at the prior meeting when the city agreed to receive those funds for that purpose.

Also, with regard to the Paiute Center, thank you again for approving the funds to replace and update the existing center, it's an important asset of the community. It's unfortunate that it wasn't a unanimous decision, for some reason, Councilmember Littlefield did not feel that the city staff could appropriately segregate and account for those funds. I don't understand that, but it was still passed. So thank you.

With regard not housing, at the Paiute Center, I'm generally in favor of that. Mr. Graham and his usual pandering and grand standing spent significant time discussing that but he did actually bring up two points that surprisingly I agree with. First, he mentioned the fair cloth agreement, although the city is not receiving federal funds directly, we are receiving them indirectly so hopefully the city staff has looked into that to make sure there's not a fly that ointment.

Mr. Graham brought up some concerns having the housing physically connected to the center. Given that the center caters to families and children, and those programs, I actually agree with Mr. Graham, that I don't understand why we would actually have the housing physically connected. We wouldn't do that for a school. So I think the city should reexamine that plan. And it looked like this was plenty of space on the parcel of land to allow a free-standing structure but that will have an impact on cost, I think we should consider it. My biggest concern was raised by a resident who says the per unit

cost could be about \$600,000. That does seem to be a staggering number, again because the city already owns the land and most of the units are going to be studios and one-bedroom apartments that's approaching the price of single family home construction.

So I'm sure I'm missing some of the details associated with that estimate, but I do think the city needs to reexamine that estimate. We should not be building something that looks like a barracks or tenement, so I do thank the city for considering rereviewing those plans. Thank you, and a shout out to Scottsdale Leadership Class 38.

[Time: 00:29:52]

Mayor Ortega: Thank you. Next we have Lee Caufheil.

Lee Caufiel: Hi there. Mayor, and the rest of the council, my name is Lee Caufheil I'm at 7726 East Thomas Road. Similar to the comments from the last person, I just wanted to talk about homelessness that's been experienced by the people who live here. I have been really encouraged lately in my email, there's a lot of outreach from the city and the city staff on the Speak Up Scottsdale website and other surveys asking for residents' opinions and what they would like to see the city to do. One of the things I have been thinking a lot about since after the lockdowns with COVID, there's been a lot of studies on homelessness and the cause of that that and why the Phoenix metro area is one the largest -- has seen one of the largest increases in homelessness here.

And at my company, we have the mantra, the 1,10, 100 mantra. It's easy to keep somebody. It's -- so it costs \$1 to keep a customer. It costs \$10 to get them back and it costs \$100 to acquire a new one. And I think that can be applied to housing as well. When I have heard about the appropriate actions that we have taken to house more people and it's going to cost about \$90,000 per unit in the hotel, for all the things they need, and I think that's appropriate that we do that reach for the people who -- in our society that need that help, but also a lot of studies find that it's just something as little as \$300 a month can keep people from experiencing homelessness and it seems like that would be another excellent way for us to look at the way that as a city we spend our money to try to keep people from becoming unhoused than to try to solve it after it's become a problem.

That was the main thing I just wanted to say and I appreciate all the work and attention that this issue has been getting lately from the city. Thank you.

Mayor Ortega: Thank you, sir. And with that, I will close the public comment section of our agenda.

MINUTES

[Time: 00:32:22]

Mayor Ortega: Next consideration of approval of the minutes. I request a motion to approve the Special Meeting minutes of September 5, 2023, Executive Session minutes of September 5, 2023, Regular Meeting and Work Study Session minutes of September 5th, 2023. Do I have a motion?

Councilwoman Janik: So moved.

Mayor Ortega: Thanks. Motion and a second. Of. Please record your vote.

Councilmember Durham: Councilmember Durham votes yes.

Mayor Ortega: Thank you. That is unanimous.

CONSENT AGENDA

[Time: 00:32:58]

Mayor Ortega: Next, we will move on to the consent agenda items. Consent agenda items are 1 through 18. All the attending information is on file as well as the details of each case. At this point, we have the opportunity to also call on public comment on any consent agenda items. I see that there's one request to speak.

And I just want to mention that for item number 15, there's also the opportunity if any councilmembers have any consent agenda item they perhaps would need more clarification for, and if so, let me know. Thank you. Seeing none -- oh, go ahead. Councilmember Janik.

ITEM 15 – CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT GRANT

[Time: 00:33:56]

Councilwoman Janik: Very quickly. I would like a little more information on number 15, it's a very, very generous grant. I read through all the information, and I would just like one or two specific examples so that we all understand the benefit of this grant and how the city will be using it. Thank you.

Mayor Ortega: Thank you. We will ask staff to come forward with that item.

Councilmember Graham: Mayor, point of order, do you want the public comment on that item first?

Mayor Ortega: What we will do is we have item number 15, and what we can do is typically have the staff answer any questions you may have and then I will also have public comment. Perhaps the City Manager will have to answer that one or Assistant City Manager -- oh, I'm sorry. Staff member is coming. Thank you, sir. It deals with congestion mitigation and thank you, sir. Please present.

Nathan Domme: Good evening, Mayor Ortega, City Councilmembers. Today I will present on our accepting of additional funds from congestion management federal grants through the Maricopa Association of Governments. This is through additional funds through the intelligent infrastructure and network improvements. So specifically, this grant was awarding us improvements to our I.T.S. and network along the Loop 101.

So a two-mile stretch along the Loop 101, to add improvements to the traffic operations at 62 signalized intersections for the I.T.S. systems themselves and then -- 37 signalized intersections with new cabinets on this stretch. So you can see on the map the general spread is along the Loop 101 including the interchanges themselves along the Loop 101 for any major arterial. So what we had originally had \$2.5 million of seed M.A.C. money from M.A.G.

And we needed additional funds and so we asked for another 2.3. It was granted to us and so this is to accept that additional funding to add and improve that network. So that's what I have to present.

Mayor Ortega: Thank you. Is that satisfactory at this point?

Councilmember Janik: Just real quick, is this that you will be able to time the lights with real-time data with the amount of traffic that's approaching the 101 within two miles?

[Time: 00:36:47]

Nathan Domme: That's exactly what it is.

Councilmember Janik: Great.

Nathan Domme: It will put the cameras up and it will identify when the cars come to and from the 101 and give us more real-time data to better time the signals, exactly.

Councilmember Janik: Okay. And then the next thing is do you have any idea how much improvement we can expect in our ozone levels because, you know, the valley is now in a different level of ozone with different penalties from the federal government because of it. How big of an impact do you think it will have on those ozone levels?

Nathan Domme: I'm not sure about that. We are mostly concerned with making sure the cars go more efficiently through the area. I can look whether we looked into ozone data and I can come back with that information, but we are concerned about the cars moving through those intersections.

Councilmember Janik: That would be great. Thank you very much.

Nathan Domme: I will bring that back.

Mayor Ortega: Thank you. I will call on the public now. We have one request from Greg Blair. Please come forward and state your place of residence and three minutes, sir. Thank you.

[Time: 00:37:55]

Greg Blair: Hello, Mr. Mayor, council people. I'm here to talk about the congestion mitigation and air quality improvement vehicle detection system, CMAC. As it stated in your agenda, the CMAC program is

a federal program. And it's supposed to be used to monitor traffic conditions, identify congestion, hotspots, and track vehicle emissions, however, there's a lot of data that's been collected with these systems.

The CMAC system typically employed an inductive loop detector system, which is embedded pavement detection measuring system that measures magnetic fields video imaging processing, they count vehicles and classify vehicle types and identify individual vehicles microwave light radar sensors and they calculate vehicles by range and speed and direction. Acoustic sensors and infrared sensors that measure heat signatures to determine counts and speed, as well as Bluetooth sensors to detect Bluetooth enabled devices in vehicles.

Because there's so much data being collected my question is related to privacy and Civil Rights. So if we look at some of the concerns of how we are tracking locations of traffic or I should say vehicles, individual movement of traffic over time, driver behaviors, tracking them, frequent locations associations, and other means of data gathering, monitoring first amendment activities, gatherings, religious and otherwise and potentially over policing of law enforcement.

So my question is really about the amount of technology that's being deployed, how it's being used, what data protections are being applied and what citizens, what resource the citizens have if they believe their data has been breached or the Civil Rights have been violated. Thank you.

Mayor Ortega: Thank you. That concludes the public testimony. I see a request by Vice Mayor -- sorry. Councilman Graham.

Councilmember Graham: Questions for staff. Thank you for the presentation. What kind of monitoring does the technology and the infrastructure -- what does it collect?

Nathan Domme: It collects real-time data. It doesn't store anything. It identifies as cars are going through. The most storage it will have is collection of through movements it doesn't store license plates or make and model of cars. It identifies when a car is stopped at the intersection and alerts that it needs to probably change the signal.

Councilmember Graham: But it needs to -- doesn't need to store something because it has to track patterns and --

Nathan Domme: It tracks patterns and counts, but nothing related to type, make, model, or license plates of cars.

Councilmember Graham: How do you know that it doesn't keep that? Does it have like an AI that reads it and deletes the information you are talking about?

Nathan Domme: I can get back to you and confirm that it doesn't but I'm very sure it doesn't. We're mostly concerned with the movement through the intersections. So I can call our --

Councilmember Graham: Yeah.

Nathan Domme: Traffic control center tomorrow and get that.

Councilmember Graham: Just a few more questions. Because I thought, you know, we have so many cameras already on our intersections how does s this different than the current cameras that we have that we deploy.

[Time: 00:42:16]

Nathan Domme: Some of our cameras don't identify the movements, they are just cameras up there so some of them are -- newer cameras that deploy. It helps us identify the movements and make the intersections flow freer.

Councilmember Graham: Is this information, is it ever stored and used for like law enforcement or any sort of legal proceeding if someone needed the information?

Nathan Domme: It only identifies movement through the intersections. You can't identify an individual person moving through that intersection.

Councilmember Graham: Mr. Blair expressed concerns about surveillance, and how do you respond with that?

Nathan Domme: We are not concerned with the movement through the intersection. We are looking holistically at the patterns of traffic and make sure the network moves as freely as possible.

Councilmember Graham: How many intersections is it going into.

Nathan Domme: 67.

Councilmember Graham: Have we done a pilot program before we've -- before we are all in? Do we kind of -- have we dipped our toe in the water.

Nathan Domme: We have used this system before. We are just expanding it.

Councilmember Graham: Okay. So we are familiar.

Nathan Domme: Yeah.

Councilmember Graham: You are speaking from experience, not from --

Nathan Domme: I've seen it in action. It comes in and puts a little square underneath the car, shows that

there's a car there. It tells the signal that it's time to switch and it switches.

Councilmember Graham: Okay. Thank you, Mr. Domme. Thank you, Mayor.

[Time: 00:44:02]

Mayor Ortega: I would call the police chief up to clarify anything on the law enforcement. Basically we had a traffic engineering. Thank you chief.

Police Chief Walther I'm happy to answer that question. This one in particular, we are not plugged into. This is not data that we are capturing but for full transparency, with he do -- our real thyme crime center does have the -- real-time crime center does have the ability to tap into our normal traffic cameras. If we have a collision at a particular intersection we can tap into that and then send the appropriate patrol response to that location. We can also tap into these cameras on a call-by-call basis related to a crime in progress or a vehicle seen fleeing the scene that we can look at to see if that vehicle headed in that particular direction. This system that we're talking about on this consent agenda item, we are not tapped into. But we are tapped into the regular -- the normal city-owned traffic cameras at intersections.

Mayor Ortega: Thank you. I'm going to move on to Vice Mayor Whitehead.

Vice Mayor Whitehead: Thank you. Yeah, I just also wanted to respond that this is data general data not specific data tracking an individual person. And, you know, it is a big concern today about privacy, but anybody who is worried about privacy needs to never use Google, and though out your iPhone. But the conveniences often make us go ahead and use those. So when you are looking at Google maps to see where to go, that's because they're tracking cars and telling you where there's a backup and telling you to go a different route. So there's an awful lot of data collection in this world and it is concerning, but we're trying to make and we are using general data to make sure that we maximize traffic flow and we increase the safety of our streets which I hear regularly is a top priority.

And so I really appreciate the chief's response that believe me, when there is a crime that happens, everybody here would want the police to go ahead and have the access that they do have to go ahead and catch that person. But in this case, this is just about making our streets efficient and safe and it will reduce our ozone levels because if cars aren't idling we have less pollution. So thank you.

Mayor Ortega: Well, thank you. I think the questions have been answered. I would move to approve items -- consent agenda items 1 through 18.

Councilwoman Caputi: Second.

[Time: 00:46:41]

Mayor Ortega: I have a motion and a second. There are three very significant items, consent agenda

items, for instance, item number 11, deals with our water campus. And that's an important laboratory expansion that we need. So that our water is clean, pure and monitored. The other one is item number 16, it's related transportation item, and it's a partnership with the Salt River Pima Maricopa Community. And it involves Pima Road. So many of these transportation projects are has drainage solutions. So think about Pima Road. Pima used to be and Scottsdale Road the only prime north-south avenues before we had the 101. And essentially Pima Road's long past due for improvements. And then finally 18 is part of this vote that we will take, concerns the direct potable reuse, sophisticated water system again. We are the only municipality that is certified for that and we are stepping up that program and that resolution will enhance our portfolio.

We have a motion and a second. Please record your vote.

Councilmember Durham: Councilmember Durham votes yes.

Mayor Ortega: Thank you. We have unanimous. I appreciate that. At this point, we have a second opportunity to call to the public for public comment and seeing none, therefore, I will close public comment. Finally to clarify, excuse me, the City Clerk.

City Clerk Lane: I apologize. We need to do items 19 and 20.

Mayor Ortega: Sure. I was going to get to that one -- I'm sorry, public comment on those regular agenda items. There was nothing on them, right?

ITEM 19 & 20-- HARVEST OF SCOTTSDALE TEXT AMENDMENT (2-TA-2022) AND CONDITIONAL USE PERMIT (10-UP-2015#4)

[Time: 00:48:57]

Mayor Ortega: So next, we will go to our Regular Agenda items. They will be item number 19, and item number 20. Item number 19 is the Harvest of Scottsdale text amendment number 2-2A-2022, per the applicant's request this item is being withdrawn from consideration. So we're stating that for the record.

Secondly, item number 20 is by the applicant Harvest of Scottsdale conditional use permit number 10-UP-2015 Number 4. Per the applicant's request, this item will be continued to a future city council meeting date. This is the first continuance for this case and it's granted as a matter of right per our council rules of procedure. As the request was submitted to the city clerk at least two business days prior to the council meeting.

So we have not determines the date, future date and I don't believe we are taking a action on that. So that would -- so that ends the regular agenda items. Item number 19 and 20.

[Time: 00:50:19]

Next, we will call for public comment. This is an opportunity for Scottsdale citizens and others to come

forth with three minutes. I hear none. I see none. I'm closing public comment.

And next, we will move to citizen petitions. The Scottsdale charter openly calls for city citizens to come forward with the potential and give it to the clerk, and I would have brought it forward in our discussion tonight. Seeing none, I will close that item of petitions.

And at this point, we are -- we are continuing with a next item, which would be that there is no further business in our regular meeting. It seems like some people are hanging around. So there must be a party close by. I would request a motion and a second to adjourn.

Councilmember Graham: Motion.

Councilwoman Janik: Second.

Mayor Ortega: Thank you. Please record your vote. Done.

Councilmember Durham: Councilmember Durham votes yes.

Mayor Ortega: And Councilmember Graham, you can probably press yes and I keep pressing it and I heard Councilman Durham. So we are unanimous. We are adjourned. Thank you so much.