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#### **CALL TO ORDER**

[Time: 00:00:03]

Mayor Lane: Good evening, everyone. It's nice to be here with you electronically, as it is. And I would like to go ahead and call to order our September 22<sup>nd</sup>, 2020, city council meeting. It's a regular meeting and it's approximately 5 p.m. With that I would ask the city clerk, Carolyn Jagger to please conduct a roll call vote.

#### **ROLL CALL**

[Time: 00:00:24]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Solange Whitehead.

Vice Mayor Whitehead: Present.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilmember Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilmember Littlefield: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilmember Milhaven: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilmember Phillips: Here.

City Clerk Carolyn Jagger: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Carolyn Jagger: City Attorney Sherry Scott.

City Attorney Sherry Scott: Here.

City Clerk Carolyn Jagger: 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: 00:01:01]

Mayor Lane: Thank you. As we continue to conduct our council meetings by following the CDC public health guidance on social distancing, I appreciate the councilmembers, charter officers and staff in attendance that are assisting in facilitating our meeting being televised on Cox cable channel 11 and being streamed online at [Scottsdale.gov](http://Scottsdale.gov), [Scottsdaleaz.gov](http://Scottsdaleaz.gov) so the public can listen and view meeting while it's in progress.

We have on location, Scottsdale police officer, Tony wells as well as Jake Desemoni from the Scottsdale fire department if anyone requires their assistance. Right there.

I have a couple of things that I would like to mention before we get started with our meeting and first and foremost, that I would like to make sure that I explain a little bit of what has been disclosed as of yesterday, with the rescinding of the mandate on face masks, as was implemented a few months ago.

I just want to let the public know that this effort is not one that is in any way, shape or form denying the idea that we have a real need for face mask coverings. The mandate was put into effect in an emergency situation. It was meant to be temporary, and it was actually slated to expire on two different occasions, a month apart.

Most recently, it was left open until the numbers that -- really, the numbers that were negatively impacting our ability to maintain and safeguard our healthcare services from being overwhelmed and thus creating another emergency were in the proper positive direction. All of that did take place. We had positive statistical reflection on our infection rates, the hospitalization rate and hospitalization -- or hospital resources.

Those all came down dramatically from a high on the infection rate of 23% down to 7 or 8% as it's most recently reflected. And then, of course, the corresponding effect on hospitalization, and the number of I.C.U. beds and the hospital resources that are generally measured by I.C.U. beds and where they would -- where they were available.

That went from a low of 10% available with all of our normal or at least our healthcare systems normal healthcare requirements and use of I.C.U. beds for surgery and otherwise, and so they -- that moved from -- we have approximately now 20% down -- up from 10% available, 20% beds available, almost 70% non-COVID patients being taking up 70% of those beds, and then, of course, somewhere in the area of 7 or 8% on the COVID-related I.C.U. uses.

[Time: 00:04:28]

So those all went in the right direction and that was the primary thing that our -- the decision was made to rescind the mandate. It was felt that we had overcome, we had worked, we had balanced the situation in such a way keeping all of our healthcare facilities open, supplying normal healthcare services and at the same time making sure that they were able to cope and deal with the infection rate as it increased at a point in time and a hospitalization that was required and the use of those resources.

A lot of things have happened in the meantime as well. I have to reiterate number one, that the county's position is still open. The county -- Maricopa County was indicated as a hotspot. That's why the mask mandate was put in place along with the other mandates that the county and the state implemented and I will speak to that in just a minute.

We ended up with enough time to tamp that down to make that a workable situation, manage the economy, and move forward with no significant disruption in our resources and healthcare. It was a positive, but it also took us some time, as we had identified those businesses that were principal sources of increased infection rates due to person-to-person transmissions. It would be as was labeled, the series bar or series six bars, as well as gyms, certainly nightclubs that were trying to operate as nightclubs.

As I said the gyms, the movie theaters and such where the state has required attestation forms be completed where they would attest to the protocols that they would use in operations. Those forms have to be approved by the state, and have to be posted in their points of business. All of those are a major strengthening of an area that was cited as being the cause for the surge once we came out of the shutdown.

Same thing for gyms and for -- and for movie theaters. The county has done something similar. The city of Scottsdale has worked with both the state and the county in enforcing those protocols and there have been instances where facilities or businesses have been shut down or certainly have been warned and then, of course, actions have been taken against them either sometimes by the DLLC and/or the health department in order to keep it in check.

All of those elements, I think, also lent themselves to what we experienced in a downturn in the infection rate, over a longer period of time. It generally doesn't take but three or four weeks before the infection rate starts to show up in tests, as far as if there is a person-to-person transmission in an area. Or in a business.

We have gone somewhere in the area of 7 or 8 weeks since the implementation of it. It's steadily gone down from that beginning. So certainly the masks play a role in, it but there are also things that we have put in place that are permanent -- permanent as anything in this given age is going to be in addressing the infection rate and the person-to-person transmission.

[Time: 00:08:17]

So I'm very comfortable and confident that we can move forward positively with this. We also do know that we have the county right now still is in place and in much the same way as we are. We are not denouncing that. We have an obligation to assist in that as well, and we are also going to make sure that we are confidentially talking to our general public and vowing that we are really strictly looking toward a voluntary compliance part of the citizens. Now, they have -- they are responsibilities under the law for sure.

But as far as the city is concerned, this is something that they have a responsibility to do for their own personal health, but also for their civic responsibility to others. So that's -- that -- you know, I have gone through a number of interviews today and when we are talking about eliminating masks, often, it's said -- it's not a matter of eliminating masks. This is not anything to say that masks don't do something positive. This is simply a matter of simplify and recognize

that we don't want to be entirely dependent upon masks to solve all the problems as we move forward. That's why the kinds of regulation the state and the county have implemented on a case-by-case basis in certain instances, for some businesses that have difficulty maintaining a safe environment, that they are in a position to abide by that and work their way through it. So I feel that we have a very good situation and we will be able to manage our way through each and every stage as we improve on our technology that we employ, and the innovation that is shown in these protocols.

So that being said, I wanted to make sure that whatever audience we have here for tonight's meeting has a clearer understanding of all the things that certainly I put into this, as far as this is concerned over the past some eight weeks. Maybe little bit longer than that. In studying the numbers and being in contact with our health officials as to how those statistics were reflected in their operations. And there's not really been any variation in that.

They are seeing the same thing we are seeing in their operations. Now, there's different opinions whether the masks are mandated or voluntary, and some people would argue the effectiveness, but the bottom line is we do know that it has effect depending upon how it's used and how it's maintained and otherwise, but it certainly is an effective agent. But it's with us, and it will be with us with most of the protocols that are out this for these businesses. Not to mention the fact that we were already operating with a lot of retail outlets that are not necessarily subject to some of the attestation forms and fill out, but they do have the right and certainly from a customer standpoint, as well as for their employees as far as requesting masks and having masks in place.

Also if a customer wants to indicate that they are establishment requires masks, they are free to do that, and if someone does not abide by that, they can be subject to trespass. And that is another enforcement tool that we really very rarely use because more often than not, people go ahead and comply with an understanding. So, again, a lot of explanation. I'm hoping that folks understand that none of this is taken lightly and none of this is taken without serious consideration for all aspects of our community and how we move forward here.

[Time: 00:12:19]

So I hope that we will work our way through, and we'll be -- we'll show that he can do this and do it right and keep our folks safe at the same time. So thank you for that indulgence.

I think now we may have a little bit more of -- even though I think that's uplifting, the city manager's report is meant to show us a video that I think is going to display even more how calculated our effect has been -- or our efforts have been on the part of the city manager and his staff and this council in how we are addressing the issue of COVID and the pandemic. So Jim, I will turn it over to you.

City Manager Jim Thompson: Thank you, Mr. Mayor, members of council. COVID pandemic and the economic crisis has distributed our daily, professional and personal lives here in Scottsdale

and across the world.

While each day brings new challenges to us, and uncertainties, our employees remain steadfast and the roles to provide safe and simply better service. Yesterday, I sent out a six-page memo that outlined everything that we're doing to date and the successes to date. I'm not going to read through those entire six pages this time, but if you have any questions, by all means, feel free to contact me and we'll share that with the community as well.

One of the things noted recently, there was some news coverage that showed they were two cities in the valley, in particular, Scottsdale was one of them, that has actively went out and provided multiple programs into the community with the cares funding we received, as well as other funds.

Again, we have six pages of success stories and programs that we have done, and I just couldn't be prouder than our employees and the efforts they made.

I have heard multiple times now in the community where service has not been disrupted in almost all areas.

And so, in fact, in some cases, people believe that we went above and beyond to make sure that where other cities were shutting down services that we continued to provide.

It maybe in different ways, but we still continued to provide it.

At this time, though, what we did do is we -- staff worked diligently on a short little video that I would like to show you right now.

[Time: 00:14:50]

[Video presentation started]

Principal Scientist Joe Hernandez: There is a shortage of hand sanitizer and employees, of course, were concerned for good reason. A lot of our employees or field employees don't have access to sinks and soap and water and so, you know, we thought, how can we help?

Soon enough, of course, word got around and we started to distribute this to other departments within the city.

Scottsdale citizen: Thank you.

City of Scottsdale employee: You're welcome. There's two meals in there. Put them in the fridge.

Scottsdale citizen: I will.

City of Scottsdale employee: Take care. call our center if new need anything.

Scottsdale citizen: Okay.

City of Scottsdale employee: All right. Bye-bye.

Human Services Manager Kevin McKee: Compared to this time last year, since COVID hit, our calls for service essentially doubled here. So thanks to our funders at Maricopa County, as well as the Scottsdale city council, we were able to obtain large influx in CARES Act funding to fund a lot of these emergency assistance programs that we're providing and we were able to work with the director, the assistant city manager to redeploy a number of staff to staff our food bank.

City Employee Ed Folsom: I learned that I didn't know that they had a food bank over here at Vista Del Camino. They are making a good service for the people, and the community, and the things they offer is not just food.

City Employee Analisa Sanchez: I learned a lot! Vista has a lot of different services that they help out to the community which I wasn't aware of, even though I work at the city in a different community. They help out -- we have our career center here that help the people in need of jobs or if they need help on the computers filling out unemployment or any other documentation that they need, we are here to assist with that.

City Employee Kyle Fischbach: The thing I enjoy most about the current position, I love the people here. We are doing such important work, helping the citizens of Scottsdale, especially during a time where everyone is really vulnerable with the pandemic and so many people have had job losses and they are struggling to pay rent and utilities. And so I think it's providing an excellent service and it's being done by such excellent people.

City Employee Sheila Williams: It's been wonderful to see how -- how amazing people have adapted and come together and worked together. It's -- I feel like it's very much a privilege to be in this position. You know, I'm working with folks who are not employed any longer, and they never thought they would be in these situations. And I'm very lucky to still be employed and working for an organization that I love. And do what I love. And so I just -- I have learned about how people can power through.

City Employee Brett Wacker: I learned about everything, running trolleys to the light automotive trucks. It's pretty cool seeing all of that, and getting to know everyone on the team is good. I like being I believe to build relationships with everyone.

[Presentation Ended]

[Time: 00:20:00]

Mayor Lane: Very nice, Jim. Very nice. Great recognition.

City Manager Jim Thompson: Thank you, mayor. I thought it was best to allow our employees to share their stories and I think it's -- it was very welcomed, when I asked that they do it, they all

stepped up and said we would love to.

That is a small sampling of the wonderful things we have been doing and I think staff in all areas of operations have stepped up and done more than what we could have ever asked. I don't think we missed one level of service delivery.

Many individuals thought they would see a decline in their services or trash pickup and we have been on time and all areas, inclusive of all services that we offer. We had a few that, you know, were because of budget restraints and otherwise, either reduced and/or changes for a period of time, such as the local trolley service. That's back in and running. Not all routes. We kept a few routes out that we didn't have ridership on before, and we have two of the four libraries open.

So when you start to look at some of the many services we did our best to provide all of them. I think on the swimming example as well, when we opened the pools, we had those has beings that you could wear in the water, let alone the cleanliness of the water. We got our supplies early and kept them up throughout.

I'm very proud of the staff and all that we have accomplished. So I appreciate the time this evening to share and again, if you have any questions on the memo and we'll din to update you accordingly. Thank you -- we'll continue to update you accordingly.

Mayor Lane: Thank you. Sure, absolutely. Councilwoman Klapp.

Councilmember Klapp: I wanted you to quickly elaborate on how you are handling masks within the city.

City Manager Jim Thompson: Yes, I would be happy to. Mayor, council, the mask in the city, all city facilities and all city programs, we require that they be worn. If you can't maintain the 6-foot distance or social distance in the room, when you are up and about, not in your own private office, you are required to wear a mask.

Those participating in our programs we went through a long list of protocol for all the different types of sports so we could open up youth sports. I don't know if you ever drove when you left city hall up Hayden in the evening and watched the teams out there playing. You will see all the young adults and our youth all spread out across the field and keeping distance. We will continue to do that in all of our facilities. So, again, it's extremely important. We have seen success with that.

[Time: 00:23:12]

And I think that many individuals appreciate and engage accordingly. There are a few exceptions. There's sanitation drivers, as long as they are in the trucks by themselves, they are not wearing a mask in other scenarios like. That I had someone call and point that to me. Why are they not driving a mask while they are in the truck by themselves. It's a truck they are



assigned every day. We are requiring them in all city facilities. There's requests at WestWorld. We had the drive-in concerts out there. We have had multiple equestrian programs. We sign off on that man, we make changes to that man and we require additional protections in place and out of all the multiple events that we have had out, there we have yet to have any report of COVID coming from any of the events that we have had out even at WestWorld.

So we continue to do all that we can do and all of our programs and places. If we see where we might have an issue, we will address it further and maybe potential change hours or change how we operate. I know you know this evening as we all sit in here, as soon as we leave, we will have a cleaning crew come in and deep clean the facility, and we do that in all of our facilities as well.

Mayor Lane: Thank you, councilwoman. Thank you, city manager. So that -- next order of business is really just an announcement of an appointment to the judicial advisory board. I would like to take this occasion to announce that the Arizona Supreme Court's appointment of judge Suzanne Marwil as a member of the judicial appointments advisory board to serve a three-year term, beginning October 1, 2020, and ending September 30, 2030, as stated in Arizona Supreme Court administrative order number 2020-136. So we want to welcome her aboard to the JAAB.

#### **APPROVAL OF MINUTES - MOTION**

[Time: 00:25:42]

The next order of business is to approve the minutes, the special meeting minutes of August 24, 2020, and the regular meeting minutes of August 24, 2020 and August 25, 2020, and the work study session minutes of August 25<sup>th</sup>, 2020, and executive session minutes of August 24<sup>th</sup>, 2020.

Councilmember Phillips: So moved.

Councilmember Littlefield: Second.

Mayor Lane: Motion made by Councilman Phillips and seconded by Councilwoman Littlefield. Vice Mayor, would you like to speak on --

Vice Mayor Whitehead: I had a follow-up question after Councilwoman Klapp's. The city manager indicated we are still requiring masks in city facilities, but it's my understanding that we as a city are required to in a sense require masks in all facilities based on the county mask mandate. Am I wrong?

City Manager Jim Thompson: Mayor, Vice Mayor and members of council --

Mayor Lane: One thing I would want to -- as far as this is not an agenda item. So I mean the answer to that question --

City Manager Jim Thompson: And I will direct the answer. I think relevant to the question is what am I doing in city facilities but as far as enforcement in other areas, there is a county requirement in place and we do enforce that throughout the community as well.

Mayor Lane: You know, in case there's any misunderstanding about that. Obviously the school district sets their own policies on it and they enforce them themselves, but we can assist them in that. We set our safety protocols for events and, of course, that's something that we enforce directly.

There are other agencies that have their own policy and certainly any office building and owner can set their policy as well. And it's all subject to the guidelines of the CDC that we were operating with previously. More than 10 individuals, if they can't be social distanced. You need to take exceptions or mask and, of course, they can go whatever direction they want. A lot of those things were in place before and voluntarily adhered to and frankly enforced.

We are now talking about the enforcement as I was discussing, before we were talking about the fact that if someone doesn't abide by a shop owner's request for masks, they can be subject to trespass. So that's an enforcement tool that we will assist in that as well.

#### **APPROVAL OF MINUTES - VOTE**

[Time: 00:28:11]

Mayor Lane: I'm sorry. I think we had a motion and a second on the minutes. We should finish up with that, with the allowance for some questions on the city manager's report. Okay.

The motion has been made and seconded. I think we are then ready to vote. I think most people have already done it. But in any case, register your vote and indicate your vote. So it is unanimous, 7-0. Those minutes and thank you very much for that. All right.

#### **CONSENT AGENDA**

[Time: 00:28:44]

Mayor Lane: We have -- the next item of business is our consent agenda item items 1 through 20 and Vice Mayor would like number 16, Barrett-Jackson fall auction pulled for a report.

Councilmember Littlefield: I would like to pull 18, please. I have a couple of questions that I would like if the city manager could discuss. I think I talked to him about this before. Number 5, 7, and 8, 18, that will result in. What is -- what is the difference between removing street designations from a larger to a smaller street on those three items, from a major to a minor arterial. I would like an explanation, a clarification.

Mayor Lane: We will move it to the regular and vote on it separately, as you request.

Councilmember Littlefield: Okay. Thank you.

Mayor Lane: And item 18 is the transportation master plan amendments. Okay. So I would ask for a motion to approve the consent items 1 through 20, and I do not have any cards currently on any of those items. So anyway, items 1 through 20 minus 16 and 18. Do I have a motion?

Councilmember Klapp: So moved.

Councilmember Phillips: Second.

Mayor Lane: Motion made by councilwoman Klapp and seconded by councilman Phillips on the consent items 1 through 20, with the exception of 16 and 18. Please record your vote. Again, it's unanimous. Item 16 and 18 will be moved to the regular agenda, and we will begin with item 16. Mr. City manager, do we have someone to make a presentation on this.

City Manager Jim Thompson: I believe and we may be online.

Mayor Lane: Who is it?

Tourism and Events Director Karen Churchard: This is Karen Churchard, good evening to you and members of the council. I want to make a couple of comments before I turn over the presentation by our tourism development manager.

I want to mention that annually, the staff reviews the objectives, the process the qualifying criteria, and use of funds criteria for our five tourism and event funding programs. And in reviewing these annually, we generally have a work study session, which the council is invited to and generally several attend.

And then during the spring of each year, we review further all of these criteria, and bring it forth to the tourism development commission who unanimously recommended that the council approve the five programs and all the objectives, which was adopted by council on consent at the June 30 meeting.

So I wanted to provide a little bit of an overview of how we do our program work, and now I will turn it over to Steve Geiogamah, who will provide a presentation. Thank you.

[Time: 00:32:18]

Tourism Development Manager Steve Geiogamah: Thank you, Karen. Good afternoon, councilmembers, Mayor Lane. I have a very brief presentation, regarding the Barrett-Jackson fall auction. Next slide, please.

Just to begin with, Mr. Nick Cardinale is on the line as well, the general manager of

Barrett-Jackson. But in regards to the fall auction event, it's a three-day October auction event, held at WestWorld in Scottsdale.

It features approximately 500 collector options for auction. It does differ from the January auction event that we are all familiar with in regards to the limited ancillary activations. It has a targeted 10D demographic and has a unique different marketing strategy employed.

On August 18<sup>th</sup>, the tourism development commission determined that the Barrett-Jackson October auction event was separate from the January auction event and unanimously recommended the city council support the one-year event funding agreement. Next slide, please.

The analysis and the assessment. This is a process Karen touched upon on evaluation of the program. Generally as we evaluate sponsorship proposal through the application process, we will do an analysis and assessment and that's to ensure jumping to the last bullet point, outlined in the proposed agreement or it provides direct consideration substantially equal to the city's comment.

So that in regard this auction event will have extensive media exposure, with 21 hours of television coverage, and an estimated on site attendance of 5,000 over three days. The producer of this contract room rates and under place at multiple Scottsdale hotel properties for the October event.

The event will include a hybrid on site, online and broadcast which I mentioned a little bit earlier and yes, we have direct advertising expenditures by the producers expect to be 200,000. On the back end of our properties, unless we conclude the event, staff evaluated a most event report, the marketing report to ensure that we receive the value that's outlined in the contract. If that is not received, funding can be reduced or eliminated based open what we see and what we're able to determine. Next slide, please.

So the actual request this evening is to adopt resolution number 11921, the fiscal year 2020-21 tourism development fund operating contingency transfer in the amount of 75,000 to the tourism and events department operating budget. One-year event funding agreement with Barrett-Jackson auction company LLD in a total amount of \$75,000 for the Barrett-Jackson fall auction. That concludes my presentation.

I'm here to address any questions you might have.

Mayor Lane: Thank you very much, Steve. Councilwoman, Vice Mayor Whitehead?

[Time: 00:35:39]

Vice Mayor Whitehead: Thank you for the presentation. I did spend a lot of time reviewing this last week and then over the weekend. So do have to evolve our event to the new COVID reality

because I think it will be with us for a while.

So I am impressed that this event is adapting and came up with some pretty creative ways that might be a model for other events that have perhaps less resources and to come up with some of these ideas. So I'm appreciative of that.

I spoke with the tourism development chair and she is very confident that this \$75,000 will be returned and then some with the -- this is an event, as she said, always delivers in a positive way.

So I found that -- I'm supportive of her position. I think she's the expert in this field as well. Well, I just wanted to mention that she also pointed out that a lot of events that were scheduled and were approved for funding canceled. And so in a sense, this funding is just coming from the events that were canceled. And finally, new events are often eligible for three years.

I still think with an event of this size, and with an organization with the resources that they have, I would want to have each future year on the regular agenda so we can review it each consecutive year, but as far as this year is concerned, I'm supportive.

Mayor Lane: Thank you very much, Vice Mayor. Councilwoman Milhaven.

Councilmember Milhaven: Thank you, mayor. I do have a few questions. It's nice to see we are having events at WestWorld but I think before I'm comfortable supporting it, I would like to understand more about what precautions are being taken to keep people safe. And that we referenced it a couple of times, I would like a little more detail about what the event will do to keep folks safe.

City Manager Jim Thompson: Mr. mayor, councilmember Milhaven. I wasn't if staff was going to respond. That's why I paused and specifically for this program and all the programs we have had out at WestWorld and continue to have at WestWorld, a couple of things occur.

One, they have to submit a plan prior to the event that's a very detailed plan as to what's going to transpire associated with the pandemic and protection and following the CDC guidelines. We analyze that, and we go forward.

As far as the -- this event in particular, and the funding for it, it's a separate event from that which would occur normally in the end of January and therefore, that's why I think they came forward with the requests for funding.

We have had some communications today from some of the hospitality industry that are very appreciative to have the decline in hospitality, and to have things like this coming to Scottsdale and we are protecting those coming and engaging. I think that's why we are where we are this evening.

With this program and the protections in place, this was one of the best programs or at least the layout that we see, the plexiglass between the different support staff and in the case of our side, they will be providing masks, hand sanitizers to everyone that comes to the show. It's a very limited show. They are only allowing some of their bidders and others in.

It's not where we have the large crowds that you would traditionally see at this type of an enter. And so, again, like many that we have had to date, we are very limited on the viewership associated with it.

So that's why we have the recommendation before you this evening and have been supportive from a staff perspective.

[Time: 00:39:48]

Councilmember Milhaven: So -- I mean, I agree. We want to get back to -- we want to support tourism. We want our hotels to prosper. And the fact that infection rates are down is something to celebrate, but we also want to make sure that we keep infection rates down because the worst case scenario is our infection rates escalate again, and we shut down again.

So if we can -- as people feel safe to come out as infection rates were down, the more we can do to make people feel safe to come to these events, the more successful they are going to be. I was looking for the specifics around this great plan. You mentioned plexiglass between staff and visitors. You mentioned masks and hand sanitizers. That's terrific.

But I understand there's going to be 2,000 people participating in this event. So is there anything else that they are doing to help protect these 2,000 people?

Tourism and Events Director Karen Churchard: Mr. Mayor and Councilwoman Milhaven, Nick is on the phone with Barrett Jackson and Bill Murphy can provide more particulars. Our staff reviews the application for funding, and I would ask either Nick or Bill Murphy to provide that information.

[Time: 00:41:05]

General Manager of Barrett- Jackson Nick Cardinale: This is Nick with Barrett-Jackson. Can you hear me?

Mayor Lane: Yes.

Councilmember Milhaven: Thank you, yes.

General Manager of Barrett- Jackson Nick Cardinale: Hello? Great. Thank you. I would be happy to answer that question.

To touch upon the city manager is speaking upon, obviously, there's no -- 2,000 people might sound like a lot but for a facility like WestWorld, it really is not. It's such a huge space, 40 acres. Our tents, we are not using side walls in these tents. It's open air. We are not allowing public, it's bidders and cosignees. We are requiring everyone on site to wear masks. All of our staff will be using P.P. E. equipment. We have plexiglass all over the entire site. We are social distancing all of the seats.

Unlikely a normal Barrett-Jackson, where you see a crowd of people, all the chairs are in pods. And anyone sitting next to each other with tables we are installing plexiglass dividers like you see at many of the restaurants. We are trying everything we can to keep everyone safe at this environment.

Councilmember Milhaven: Thank you. That was helpful. Thank you for doing that. We want to have successful, safe events.

City Manager Jim Thompson: Mr. Mayor, Councilwoman Milhaven, a couple of added items to that and I think it's important, when we receive the request, we asked for a plan.

We go through the plan in detail by multiple departments, inclusive of police to make sure that we are going to have adequate security on site to enforce those rules. Even though they give us a plan, we want to make sure it's enforced.

And so in some cases, some of the programs we have asked for different -- additional security to be added to ensure the separation. I think noted the plexiglass. The other things, the other key component associated with this, is we are in the process of installing the U.V. treatment, and the ionization in the facility.

That will be completed before this event occurs and so our air circulation, our air handling system will treat all the air both by U.V. and ionization during the process and I think that's extremely important as well for those that will be inside of the event and not outside, but it is an indoor and outdoor event, and throughout, we'll make sure that we'll be doing our checks on our side, that their security is doing their jobs and enforcing all the protocol, which was provided for.

We did an excellent job of covering, but much deeper, we review all aspects of that. The worst thing from our perspective is we could have a failure in an event like this and cause the issues that you have raised and so I truly appreciate, that but we take that very seriously because we know the importance of success of these programs in the community.

Much smaller than they might come back in the springtime and we want to make sure that what we do is the best we possibly can and continue to prove through the program we had all summer long that we can be successful doing this and that's -- I think that is because we are very adamant about the protocol that they established and we make sure that they enforce it and if they don't, we will shut 'em down.

Councilmember Milhaven: Thank you. I have another statement. I think there's a pretty thin argument to call this a new event. It's the same operator selling and buying cars. So simply say it's a different date, and I'm advertising it a different way, and I will have a different audience, I think any existing event could put an ad in a new newspaper.

And if it's different every year -- the date, I think it's a pretty thin argument to say that it's a new event and I think lots of events could make a similar claim. While I will support this now, under the circumstances I think we have to take a look at how we define what a new event is. So thank you.

[Time: 00:45:07]

Mayor Lane: Thank you, Councilwoman Milhaven. And I concur. I think that -- is -- no, I'm sorry. We do have some additional questions. Councilwoman Klapp.

**ITEM 16 - BARRET JACKSON FALL AUCTION - MOTION AND VOTE**

[Time: 00:45:19]

Councilmember Klapp: Yes, I would like to make a motion to adopt resolution number 11921.

Councilmember Phillips: Second.

Mayor Lane: Motion made by Councilwoman Klapp and seconded by Councilman Phillips. Do you have any comment to your second? Councilman?

Councilmember Phillips: That's what I pushed the button for. Thank you.

Mayor Lane: Okay. All right. So the motion is made and seconded. I think then we are ready to vote. All of those in favor, please indicate by aye. Those opposed with a nay. It's unanimous acceptance on item 16.

Thank to you for the presentation to Karen and to Steve and council for their questions and clarification on the items.

**ITEM 18 – TRANSPORTATION MASTER PLAN AMENDMENTS**

[Time: 00:46:05]

Mayor Lane: So moving right on to the next item that was taken from consent, and moved to our regular agenda, it's item 18. It is the transportation master plan. And a request to adopt resolution 11925. Do we have somebody standing by?



City Manager Jim Thompson: Mr. Mayor, members of council, I believe Dan Worth is standing by.

Mayor Lane: Okay. Mr. Worth, are you there?

Director of Public Works Dan Worth: Mayor, I do have a brief presentation that I can go over to show you the details about the eight proposed master plan amendments that we have in front of you. Kelly, if I could have the slide presentation.

Mayor Lane: Mr. Worth --

Director of Public Works Dan Worth: Next slide, please.

Mayor Lane: I think there were specific items that Councilwoman Littlefield -- I don't know if you want to go through the entire thing or focus on those items?

Director of Public Works Dan Worth: There are three out of the eight changes that actually reduce the classification of the roadway. I can skip straight to those three or I can briefly go over the others as well. If you would like me to skip straight to the ones that reduce the number of lanes, I can do that.

Councilmember Littlefield: The three are the ones I would like clarification on and a description on what that actually means for our citizens to have this reduction.

[Time: 00:47:30]

Director of Public Works Dan Worth: Okay, Kelly, if you can go to slide six. This is the first of those three. Pima road from Happy Valley to dynamite.

In the current master plan, approved in 2016, this road was approved as a six lane major arterial. It's four lanes currently. We classified it based on future demand travel forecasts. Since then, the folks have changed. They are lower.

This is partially resolved with some zoning approvals that have happened in the last four years. But taking a look at the volumes, that we have on that roadway now, and the future forecasts, we feel pretty strongly that we can handle the projected volume with four lines instead of building it up to six. Kelly if you go to the next slide, I can show this in numbers.

The slide shows you what we have now. The numbers are the average vehicles per lane every day. So we have been -- and this is the last 20 years. So the last 10 years we are right around 5,000 vehicles per lane on this segment of road.

Capacity for arterial, if you look at the note in the lower right is 8,000 to 10,000. We don't see with the forecasts, we don't see that increasing up to the 8,000 to 10,000 territory any time in

the near future.

So it would make sense from the capacity point of view to reduce this back down to the current number of lanes, four lanes, two lanes in each direction instead of building it out to six. The other reason why this is significant now is because we are getting ready to begin design on future improvements that we have in the MAG arterial life cycle program.

They are in our CRP, first one is the Happy Valley to Jomax, the southern half of this segment. Our estimates are that if we go back to the old four-lane configuration, instead of the six-lane configuration, we're going to save somewhere between 3.5 to \$5.5 million on the construction of the roadway improvements.

So if we're going to reduce it, now is the time to do it, when we can achieve some substantial cost reductions on that project and, of course, that would free up both arterial life cycle program funding as well as local match funding for other projects. The next -- Kelly, if you can go to slide 10 -- is the second one of the changes that reduces lanes.

[Time: 00:50:26]

This one is a lot simpler. 124th street between Via Linda and cactus, this was built largely in the '90s, largely before the establishment of the preserve, built as a four-lane major collector, without the development in north that would have happened in the preserve wasn't established, the volumes have remained well below capacity.

I'm talking about a quarter of the capacity for this roadway, about 1600 vehicles per lane per day compared to the 6,000 to 7500 that this classification road could handle. Excuse me, reducing it to two lanes, instead of four lanes, will still resolve volumes at half the capacity.

So two lanes is more than enough to handle the project between Via Linda and cactus. The other benefit of reducing the lanes is that it allows us to put in buffered bike lanes, improve non-motorized access to the schools.

You see on the Anasazi elementary school and the high school and middle school on the south to Via Linda. It improves the access to the schools and the preserve. It's a low-cost change. This one we will accomplish through our repaving program.

We will be planning to resurface this segment of road, it's due and it would implement the four lanes to two lanes by putting in different striping when we restripe the roadway after we repave it. So it's literally no cost.

We would have to restripe the roadway anyway. We would just do it for a reduced number of lanes. And then if you go to the next slide, the third of the items that reduces the number of lanes is Indian School, from 60<sup>th</sup> to Goldwater.

This is in the master plan as a six-line major arterial. We plan to reclassify it to a four-line arterial. It's built right now to a four-line minor arterial standard. Not really sure why it was classified as a six lane. We have no intention of changing it. It would be extremely expensive proposition to change it.

It's currently a four-lane minor arterial standard and we are proposing for that segment, west of 64<sup>th</sup> street to change the classification of the master plan to change what is built. For the remainder from 64<sup>th</sup> street to Goldwater, it's six lanes. It's billed as a six lane major arterial.

We are proposing that we reduce that to two lanes in each direction. You can go to the next slide, please, I will show you a similar chart to the one that I showed you for Pima road, the red line on the top is the average vehicles per lane that we would have, if we changed it to a four lane. The blue line at the bottom is what we have now, as a six lane.

Again, the capacity is shown in the lower right, 8,000 to 10,000 cars per day. So you can see we are operating at less than half capacity as a six lane. We're operating at two-thirds capacity still with a lot of room to spare if we got a four-lane configuration. Next slide, please.

This is another look at traffic volumes, comparing this segment to adjacent segments and this is important. This is a four-lane road for three miles to the west, and it's a four-lane for three miles to the east.

So that's a six-lane segment between 64<sup>th</sup> and Goldwater and is anomaly. If we change it to a four-lane minor arterial, we are matching everything from 49<sup>th</sup> street in the west all the way to the freeway and this has some safety benefits as well.

Any time you have a merge, due to a lane reduction, it's an opportunity for accidents and if you look at the safety statistics for the intersections involved, the 64<sup>th</sup> street and Indian School intersection was the fourth highest accident rate in the city in 2018. 1.44 collisions per 1 million vehicle, it's .058, so it's almost five times the average.

I won't say it will fix all the issues but it should help. The intersection at Goldwater was also well above the average. And then finally, this will also make the segment safer by eliminating -- by creating additional space on the adjacent sidewalk and it gives us an opportunity to put in buffered bike lanes so cyclists are separated by the traffic by a 4-foot piece of marked off pavement. Next slide, please.

I know this is a little difficult to read. You don't really have to. But the point I wanted to make with this is just as with 124<sup>th</sup> street, we're planning to implement the change by simply painting different stripes. We are not going to move any curves or do any other construction. We are out there now resurfacing, and when we repaint the stripes, after the resurfacing is completed, we can go to the four-lane configuration without spending any additional money over what it would have cost us to resurface the road in the first place.

[Time: 00:56:10]

It has the additional advantage that if at any point in time the volumes increase and we need to go back to a six lane configuration, we can. We still have all the asphalt and all the width that we need to be able to do that, but it's much preferable to have the road configuration match the volume and it provide the additional safety enhancements. Those are the three out of the eight changes that reduce lanes. I would be happy to answer any questions.

Mayor Lane: Any questions? Yes, I'm sorry, Councilwoman Milhaven.

Councilmember Milhaven: Thank you, Dan. In terms of Indian School, you are saying it's four lanes all the way to the freeway, and in terms of getting folks to downtown Indian School is one of the major exits off the freeway, and I have not commuted -- my office is downtown here, about the I haven't commuted in months, but before, that Indian school frequently backed up in the late afternoon through rush hour.

And so if four lanes is adequate to the freeway, what explains the horrible traffic along Indian School from downtown to the freeway?

Director of Public Works Dan Worth: Mayor, Councilwoman Milhaven. Kelly, could you go to slide 13? I'm only claiming that six lanes is more than adequate west of downtown. I'm not going to tell you that four lanes is more than adequate east of downtown. Remember when I showed you the volumes for the different configurations. 8 to 10,000 vehicles per day, per lane.

We're maxing out Indian School east of the downtown. So that's where the problem is. It's west of the downtown. It's traffic coming from the freeway to the downtown.

Councilmember Milhaven: Okay I thought you were justifying four lanes. So then why not reclassify that section east of Scottsdale.

Director of Public Works Dan Worth: We will definitely be looking at that, the next time we do an over -- a comprehensive master plan update. We will be taking a look at how that fits into the network and other ways that we can approach. We're leaving that volume.

But it's -- it's going to be part of a comprehensive approach when we do our next master plan update and that will be very soon.

Councilmember Milhaven: So minor tweaks are okay but you don't want to do that minor tweak?

Director of Public Works Dan Worth: That would a \$30 million minor tweak.

[ Laughter ]

Councilmember Milhaven: All righty. Thank you.

[Time: 00:58:49]

Mayor Lane: Thank you, Councilwoman Milhaven. Just a quick note on that. Dan, I'm sure you were around when with the beautification process that was planned and instigated on Indian School Road, took it from a six lane configuration to a two lane or a four lane, rather in order to provide some beautification and to slow down traffic.

But that's where the consequential effect comes in of some of those decisions in the past. But on the same subject of councilwoman, you haven't checked -- yeah, you are done. Vice Mayor Whitehead then?

Vice Mayor Whitehead: I want to say thank you for these changes. There's nothing I like better than solutions that are cheap, flexible and add more bicycle lanes. So thank you. And I also have had trouble with that merge there. So I never mind getting rid of merges. So thanks, Dan.

Mayor Lane: Good point. Okay. Thank you, Councilwoman Whitehead. Councilwoman Littlefield.

Councilmember Littlefield: I wanted the presentation for a couple of reasons, one to let people know what we are doing and why we were doing it. And also he wanted to ask you because of these reductions if we could as Vice Mayor Whitehead suggested, use some of that space for additional walking paths, bike lanes, et cetera, leek that or at least keep the -- the -- the areas available for doing those things at a future date. Dan? I'm done.

Director of Public Works Dan Worth: Mayor, Councilwoman Littlefield, that's absolutely the intent and both of the 124<sup>th</sup> street and the Indian school improvements, that that is in the plan that we have got already to enhance the bike lanes, to provide separation or to provide a greater space for bicycles.

Councilmember Littlefield: Thank you very much.

#### **ITEM 18 – TRANSPORTATION MASTER PLAN AMENDMENTS – MOTION AND VOTE**

[Time: 01:01:00]

Mayor Lane: Thank you, Councilwoman Littlefield and thank you, Dan for your presentation. I think that does complete on that topic. Now, one thing that we probably need to clear up is that -- well, we'll need to -- do I have a motion then to pass item 18?

Councilmember Littlefield: So moved.

Councilmember Klapp: Second.

Mayor Lane: Okay. That was -- the motion was made by Vice Mayor? Is that right?

Vice Mayor Whitehead: No, it was Councilwoman Littlefield.

Mayor Lane: Oh, I'm sorry. Councilwoman Littlefield and seconded by Councilwoman Klapp. We are then ready to vote then. All those in favor, please indicate by aye and register your vote. Nay if you oppose. It's unanimous in acceptance.

So item 18 is voted in the affirmative. We'll move open from there. Thank you, Mr. Worth for that presentation, if you are still out there. So item 21, which is the Scottsdale and Dixileta rezoning and abandon element, 15-ZN-2019, and 2-AB-202-0678 I'm assuming we have Mr. Barnes available and on the line. Is that so?

Senior Planner Jeff Barnes: That is. Good evening, mayor and councilmembers. I am Jeff Barnes with the city's planning department here presenting for you, a combination of presentation of 15-ZN-2019 and 2-AB-2020. And it looks like we got the presentation slides cued up there. If I could get the next slide, please.

So this first slide is giving you a little bit of context of the location. So this is the northwest corner. Dixileta and Scottsdale road. It covers several vacant parcels right now and you can see it extends from Scottsdale road to the west, all the way to 71<sup>st</sup> street and from Dixileta drive to the north all the way to Winstone trail. Next slide, please.

This slide brings you in just a little bit closer so you can see kind of area that's made up by the -- by those seven vacant parcels right now with kind of a water course coming through at the north end there. You can also see some of the existing surrounding developments around this point. Next slide, please.

So currently, the property is zoned r1-70 environmental sensitive land, with the zoning overlay designations to it. That same zoning is held by the surrounding properties to the west and to the north, moving across Scottsdale road to the east, that development has r1-43 E.S.L. zoning to it and across Dixileta it has R1-70 ESL. This shows you the proposal.

Tonight is to change to the R1-43 district for these -- for this site, keeping the ESL and FO zoning overlays. Next slide.

[Time: 01:04:44]

So this slide just has some context. It shows the existing general plan land use map. This site is in the black and white dashed line down at the corner of Scottsdale and Dixileta. The majority of this area is the rural neighborhoods zoning -- I'm sorry, the rural neighborhoods land use designation on the general plan. Next slide, please.

Also, providing context, we have got our foothills character area plan which drives the foothills overlay zoning designation. Something -- somewhat unique about the intersection of Dixileta and Scottsdale road, you can see at the northwest corner of that intersection, this site is dashed in this.

That falls within the foothills overlay, as does the east corner of that intersection, however, the northeast and the southwest corners of intersection are outside of the foothills overlay and would just be within the environmentally sensitive lands overlay that covers that entire area. Next slide, please.

So part of the request before you tonight involves a zoning district map amendment, which is the intent at that site to configure a 14-lot single family residential subdivision. That subdivision has a proposed configuration that I will get to shortly.

That configuration anticipates the use of amended development standards, as allowable under the ESL zoning overlay and I make mention of them, but they are ultimately under the approval authority of the development review board via the preliminary plat review process would come following a zoning action. Next slide, please.

[Time: 01:07:13]

So a little bit about the proposal. I mentioned that it's 14 lots subdivision that is being sought with this zoning change. The current calculated density allowable under the existing R1-70 ESL FO would result in nine lots generally. The proposal to change to the R1-43 ESL FO would result in the 14.

The configuration that they have -- that they have shown also accounts for providing about an additional acre of natural area open space above the minimum amount to calculate the zoning requirements. I also wanted to mention building height. Nothing about this proposal requested to change the building height. The building height is set at 24 feet through the ESL and the foothills zoning overlays that will remain on this site.

Moving on to the next slide, I have been talking about that conceptual subdivision plan. This puts it up graphically for you. The two images on this slide are the same layout. Wanted to put them both up, just because one has the aerial overlay, that kind of lays out visually the potential building envelope configuration. The other is more of a black and white drawing.

Each can be easier to read for one component or another, as you are looking at it. Put generally, the proposal attempts configure the majority of the natural area open space towards the north end of the site, where the wash corridor is, and in the other corridor easement along Scottsdale road between what would ultimately be rear site walls of those -- those lots, and then Scottsdale road itself.

There's also a public trail meandering through the scenic corridor that will be provided with this

plan and turning the corner and continuing along Dixileta drive. This configuration also accounts for an internal -- internal street feeding those proposed lots with direct access from Dixileta drive. Part of the input received with the public outreach that the applicant has done was that many of the surrounding neighbors primarily along 71<sup>st</sup> street to the west, did not want to see an increase of traffic resulting from this development providing access out to 71<sup>st</sup> to then get to Dixileta. Moving on to the next slide.

So that carries me into mentioning the local area infrastructure plan for this area, which is something we use to lay out potential street alignments. We also use it in our analysis of abandonment applications.

This application is accompanied with a proposed update to the plan for that area to make changes aligning to the proposed subdivision configuration and addressing some of those access concerns heard with the outreach. If I can get the next slide, I can show that to you. In a more graphic sense.

So the -- the image on the left is the existing plan with the site area highlighted. On that plan, you will see that because these are seven parcels today, there was an intent to bring access to those 71<sup>st</sup> through an internal street angled -- and also to determinant 71<sup>st</sup>. And there's the proposed configuration at 71<sup>st</sup> street, bringing the access up from Dixileta and continuing that 71<sup>st</sup> street access down to Dixileta instead of terminating in a cul-de-sac which would have larger impacts to the existing developed homes that are out there today than bringing the street straight through would.

[Time: 01:12:20]

Moving on to the next slide, you can start talking about the other component of this, which is 2-ab-2020 which is an abandonment request for portions of GLO easement, which fall within the subject boundaries. If I move to the next slide, I can show that to you while I'm talking about it.

This is a conceptual subdivision plan with the yellow dashed line indicating the alignment of those portions of the existing GLO easement that are requested to be abandoned and just as a quick refresher, the GLO easements were set when the original parcels were created without an understanding of the what would ultimately happen for street alignments and access points an things.

They were there to ensure that right-of-way and utility access corridors could be provided until such time as something definitive was established, which is what we have done with our local area infrastructure plan, and other transportation master planning.

So configuration no longer stands up to what the proposal is and so the request is to abandon that and ultimately, we will still achieve access to the resulting parcels from Dixileta through the internal street and utility connections will still be accounted for in their own corridors within the proposed configuration. Next slide, please.



I mentioned community outreach was done. The applicant started doing their outreach back in August and September of 2019. And they have been active in that up until -- up into the planning commission meeting that occurred. With -- with that, they held an open house. As staff we received some inquiries along the way, but on the next slide, I wanted to touch on some of the key elements.

So much of what was brought out of the open house activity and the outreach that was done, was information from the existing neighbors along 71<sup>st</sup>. I mentioned there was an opposition to the idea of bringing traffic from this development to 71<sup>st</sup> and increasing the amount of vehicles on that road.

There were mixed views held on potential improvements to that street, but ultimately the direction was taken to -- to bring that completely separate access point to these lots and leave that 71<sup>st</sup> street alignment as was not to promote additional traffic per that -- per that input. Also received leading into the planning commission hearing were some correspondence pointing to potential concerns of maintenance issues or liability issues relative to the public trail that would be proposed crossing the lots in the scenic corridor area that would be along that Scottsdale road frontage.

[Time: 01:16:16]

Also, with that end point was an idea of trying to provide more open space corridors between the lots between the ultimate wall configurations of those lots. If I could get the next slide, please.

So the planning commission heard this in August. They heard those comments. The applicant in response to those comments brought forward to the planning commission some modified speculation language to try to address the maintenance concerns and the trail concerns a little bit more detailed than our typical language would.

And they also brought a modified conceptual wall configuration plan that attempted to provide a little more breakdown than had previously been shown. And those changes were adopted as part of the recommendation of approval by the planning commission and they are reflected in -- in the ordinance of 4466 and its attachments that are before you with the request tonight. If I could have the next slide, which will be my last slide, just kind of circling back and wrapping up.

So the request before you tonight is twofold. The first is to the zoning district map amendment through the adoption of ordinance 4466 and the second part is the GLO abandonment through the adoption of resolution 11901. That completes staff's presentation. I'm pretty sure the applicant team is also on the line and ready to speak to their application as well.

Mayor Lane: Well, thank you for the presentation. And we have Councilman Phillips.

Councilmember Phillips: Thank you, mayor. So Mr. Barnes, when we're -- that lot, I think 71<sup>st</sup> street or place, to Dixileta, didn't you say that the residents that lived there did not want to have an access on to 71<sup>st</sup> street. So their access is only going to be on Dixileta?

Senior Planner Jeff Barnes: Mayor and Councilman Phillips, as I understand the feedback from the residents, they didn't want increased access with bringing this development's access to 71<sup>st</sup> which would be something typical that we might direct to not have direct access by a new development open to Dixileta but the proposal in this case so address that is that these 14 lots of proposed subdivision would only be served by the internal street connection to Dixileta and would not access through 71<sup>st</sup>, impacting the neighboring properties.

Councilmember Phillips: But we are going to move this to Dixileta. What is the purpose of that?

Senior Planner Jeff Barnes: My apologies for not addressing that in my previous statements. The purpose of that is on the -- Kelly, if I could get slide 12 back up there. I think it's two before that. Sorry. That one. Thank you.

So the current lane configuration would call for a cul-de-sac termination of 71<sup>st</sup> street. You see there's a couple of neighboring parcels there on the west side of 71<sup>st</sup> that if we did get the dedication of that cul-de-sac and the resulting setbacks that would come from right-of-a wasn't the cul-de-sac that would be more grateful to the existing properties than what is currently the current configuration so the in what is out there is that 71<sup>st</sup> continues through Dixileta.

There's a street that provides access to those properties but what we have looked at is terminating it north, it would have more impact than necessary.

Councilmember Phillips: I see. By getting abandonment, you get rid of the cul-de-sac and run the streets right through? Okay. I see what they are doing now.

That's really all I would have to say, I would rather see 14 homes than 400 condos. So I will be voting for this.

Mayor Lane: Any other questions on this? Or can I ask for a motion?

Councilmember Korte: Mayor?

Mayor Lane: I'm sorry, is the applicant -- oh, I don't -- is there an applicant presentation?

[Time: 01:22:25]

Applicant Representative John Berry: Good evening mayor, and members of the council.

Mayor Lane: Sorry about that, John. When you are not here, it's hard.

Applicant Representative John Berry: I appreciate that. I wish all of us could be there including the citizens. This is John Berry. My address is 6750 east Camelback Road in Scottsdale. Let's take a few minutes to supplement staff's very thorough presentation. And we need to get our presentation on the screen for you so. I apologize.

It will be a momentary delay, let's see here. Staff did point out that it allows up to one home to the acre which means we could put up to 18 homes on this property as Councilman Phillips pointed out, it's not 200 condos.

It is 14 homes and that is a 22% reduction from what the general plan would allow. We are r1-43 zoning the density is .83 homes per the acre. We are below what could be requested under the r1-43 zoning at a .79.

Now one of the things that we will also look at, and staff touched on as well is the context for this request. Now, this is on the 18 acres. It's a small site that has the wash to the north. If you look at this you can see this section, where the traffic signal, Dixileta and Scottsdale road. We have frontage on Scottsdale road. We have three churches in a row on Scottsdale road and you see r1-43 zoning in green. That's the same category that we are requesting. And you will note it's actually higher than our request.

Immediately to the south of us, to the south of Dixileta in the yellow this is R1-35 zoning which again is a more dense zoning category than we are requesting and the existing density as built is 1.1 units to the acre. Again, we are at mere .79 units per the acre.

If you go farther to the northeast corner and east side of Scottsdale road, you will see there's existing development at 2.24 units to the acre and, again, we are at .79 in the signalized intersection of Scottsdale road and Dixileta.

Now, to our citizens and to you all is how we are treating the desert. We are actually providing more for the desert than is required under the environmentally sensitive lands ordinance. In fact, we are providing 25% more preserve desert than required under ESLO. Now, one of the things you know that our team is working with the community and that's been the case for well over a year now preCOVID.

The neighborhood meetings and going to doors of some 125 folks in the area. And we did have some issues that arose prior to the planning commission hearing. We listened to those folks and made some changes to our stipulations reflected in your packet and as staff pointed out, we made changes to the traditional language and strengthen and clarify some of the concerns they had regarding the homeowners association's responsibility for maintenance and liability of the public trails and the easement.

There was a desire to have more open space between some of the lots, and, again, we listened

to that, and made some changes prior to planning commission and it's reflected in your packet, but it was not reflected in the graphics that staff presented to you. If you move forward, this is site plan that would be adopted. You will see the lots.

[Time: 01:26:34]

Scottsdale road to your right and Dixileta to the bottom. The area has existing open space areas, and you can see in green those areas with the notation where we agreed and found the ability to add 15-foot openings between lots in those locations. That cluster at the top six, seven, eight and nine, if we could have found a way to do, it we would have. But with the proximity to the wash, we were unable to do so.

Mayor and members of the council, in conclusion, we worked very hard for well over a year now to bring forward to you this evening a request that was appropriate and we can hope we have your support with 22% fewer homes than permitted in the general plan and lower density as I pointed out to you in the contextual graphic and most of those areas subdivisions that exist today, we have a larger lot sizes than the other subdivisions.

In one instance 110% larger lots than the carriage trail subdivision immediately to the south that's zoned r1-35. We are -- [ Garbled audio ] Environmentally sensitive lands ordinance. We collaborated for well over a year. And with recent correspondence. We are proud of the fact that we have earned staff support and the planning commission is recommending unanimously that you approve this request.

And I'm happy to answer any questions and I very much appreciate your time. Thank you.  
Mayor Lane: Thank you, Mr. Barry. Councilmember Korte?

**ITEM 21 – SCOTTSDALE AND DIXILETA REZONING AND ABANDONMENT - MOTION**

[Time: 01:28:28]

Councilmember Korte: Thank you, mayor. I move to adopt, ordinance number 4466 and resolution number 11901.

Mayor Lane: Motion is made by Councilmember Korte.

Councilmember Phillips: Second.

Mayor Lane: I believe it was Councilwoman Klapp on the second. Would you like to speak toward it at all? Okay. With that then, I think we are ready to vote.

Again, thank you, Mr. Barry for the presentation and the staff. Late comer. In fact, I have two. Vice mayor Whitehead.

Vice Mayor Whitehead: Thank you. I want to thank C.O.G.S. and Howard Myers specifically and the staff because there were some concerns and while they may not have been fully there. Without the citizens going into detail and history it really helps me. I want to point that out.

I appreciate the 15-foot was put in between these lots because we do want our wildlife to flow. But I have a question about -- it looks to me on the site plan, it looks like there's also space between the walls and the actual lot lines.

So up north, there's quite a bit of area for flow as well; is that correct? For -- in the lot lines themselves, it would be the lots, plus the wash?

Applicant Representative John Berry: Yes, that is correct. So if you look at the site plan, which we'll try to put up here in just a moment. I apologize for the delay.

We are all new to this but, yes, you are correct there is a large area in essence 100 feet between the back of the lot, where you can development houses and Scottsdale road. And if you measure from the curb line of Scottsdale road, it would be closer to 150 feet. I thought we had that. Let's see, give us a moment. That is a very large area. Hold on a second. Are you seeing that now? Okay. Not yet? I'm sorry for the --

Vice Mayor Whitehead: We can see you.

Applicant Representative John Berry: If I were attempting this, we would have never even gotten the PowerPoint on. I'm grateful for the fact -- directly to the north, yes, there are very large areas the north of open space, including the wash and large areas that are preserved so there is a very large open space area between those lots to the north and to the northwest.

Vice Mayor Whitehead: Another quick question. I believe there was -- so there are two things. So a lot of us and citizens were worried about protecting the public access there on that path along Scottsdale road, because it was -- it is designated as part of a private lot. So I'm -- so staff indicated not only is it NAOS, but it has a public easement. Did you say the H.O.A. is going to maintain that land as well?

Applicant Representative John Berry: Mayor Lane, Vice Mayor Whitehead, members of the council, the short answer to that is yes, if you look at stipulations 10 and 12:00 you will see the changes made after working with the community that add additional clarity and strength to staff's typical stipulation that deals with this.

So it's very clear that maintenance and liability requirements flow to the homeowners association and the additional language that we agreed to requires that that not only be a zoning stipulation but it be required in CC & Rs against the property so that each and every property owner from now to perpetuity is made aware of that requirement.

Vice Mayor Whitehead: Okay. I think I will end how I started. We want to sincerely thank the

residents who raised awareness about this these potential issues. I want to thank the applicant who resolved them and staff who facilitated it. Thank you.

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

Councilwoman Littlefield: Thank you, mayor. That was my major question, who was responsible for the open space and the scenic drive and all of that, because I no he it doesn't work -- I know it doesn't work if it's the individual homeowners.

I'm very happy to see that it's going to be the H.O.A. property association. That was my biggest concern and my biggest question.

Also, I would like to thank C.O.G.S. for the help that they gave us and also for the staff for the help that they put on to this project. Thank you.

Mayor Lane: Very good. Thank you, Councilmember Littlefield. I think that completes the questions on this item. We have a motion and a second on.

**ITEM 21 – SCOTTSDALE AND DIXILETA REZONING AND ABANDONMENT - VOTE**

[Time: 01:34:09]

Mayor Lane: This I think we are then ready to vote. All of those in favor, please indicate by an aye. Those opposed with a nay. It's unanimous.

Thank you to the council, questions and Mr. Barry and Mr. Barnes. So thank you.

**ITEM 22 – MEDICAL MARIJUANA HOURS OF OPERATION TEXT AMENDMENT**

[Time: 01:34:37]

Mayor Lane: Moving on to our next item, item 22, medical marijuana hours of operation text amendment, 1-TA-2020. Mr. Bloemberg our senior planner.

Senior Planner Greg Bloemberg: Good evening mayor, councilmembers, Greg Bloemberg, senior planner to give you a very brief presentation and introduction on this case.

The applicant will follow with a little more detailed presentation but I wanted to give you some background.

So the request summary this would apply citywide if approved. It would change the hours of operation only. No other amendments to the C.U.P. criteria are proposed with this application.

Anybody who wants to take advantage of this these extended hours should this be approved

would still have to go through the amendment process to amend the conditional use permit, so the city would still get an opportunity to weigh in on any requests to extend the hours of operation.

The planning commission heard this request on July 8<sup>th</sup> of this year and recommended approval 7-0. There was no discussion. Comment to that hearing, we had to amend the text amendment, the proposed legislative text because we needed to include both facilities that are in operation prior to September of 2016, and facilities in operation after 2016.

The original amendment only addressed facilities that were approved prior to or after 2016. I can't remember exactly which one. So we had to clarify that, change the amendment and go back to planning commission.

And we did that August 26<sup>th</sup> of this year and the planning commission recommended approval of the revised amendment, 7-0 and there was no discussion. Next slide.

So the action recommended is to adopt ordinance number 4463, to amend specifically 1.403.M.1.g and 1.403.M.2.g to change the allowed hours of operation for medical marijuana uses from 6 a.m. to 7 p.m. to 6 a.m. to 10 p.m. Next slide, please.

That concludes my presentation unless there's questions for me, hand it over to the applicant for their presentation.

Mayor Lane: Very good. Thank you Mr. Bloemberg.

Applicant Lauren Niehaus: Thank you. Can you all hear me all right? Mayor Lane, city councilmembers --

Mayor Lane: Yes.

Applicant Lauren Niehaus: Go ahead.

Mayor Lane: Who is the -- who is speaking right now?

Applicant Lauren Niehaus: This is Lauren Niehaus and the record is 1510 north Hayden road. First of all thank you guys for allowing virtual participation. I'm sure you are getting very accustomed to this, as am I.

I want to thank Mr. Bloemberg for facilitating this process over the next few months. Next slide. For those of you who may not be familiar with this we are a multistate cannabis operator here in Arizona. Our corporate headquarters is down street in Tempe. Next slide, please.

Harvest owns and operates 39 dispensaries throughout country. In Arizona we have -- I have a

typo, we have 15 existing locations in Arizona, including harvest of Scottsdale, which we are talking about here tonight. Next slide, please.

[Time: 01:38:51]

Our business in Scottsdale as an operator of medical marijuana dispensary is to be one of the best business partners, one that's known for attracting quality local employment opportunities for driving economic development and for giving back to our community.

Our current location on north Hayden road is separating from 7 a.m. to 7 p.m. right now and we had steady demand to increase our operating hours if possible so that they have access to their medical marijuana later into the evening.

Harvest Scottsdale is one of our established dispensaries this opened four years ago, September 2016. And don't tell the others, but this is one of our flagship stores. Our patients love to be there and I absolutely -- if anybody on this council is ever interested in touring a medical marijuana facility, we can most certainly facilitate such a visit so you can get a feel for what the retail experience is like in these facilities. Next slide, please.

We are seeking a text amendment to be in line with the state code for the medical marijuana dispensaries to operate until 10:00 p.m. As Mr. Bloemberg mentioned, we will update our -- we are in the process of updating our use permit to reflect these hours should they pass tonight.

So very likely, you will be hearing my voice in the next couple of months. With regard to this project, back in March, when life was more normal, we held our two open houses up near the north airpark and one near Oaktown and they received zero attendees. I was there.

[ Garbled audio ]

I wished I had an opportunity to talk to more folks. Letters were sent out to all of our fellow property owners within 750 feet of dispensary. Next slide, please.

We have increased hours for our store employees to earn wages and increase access to the stores for patients shopping in Scottsdale. As you can see by this list here, the cities surrounding Scottsdale have the 9 p.m. or 10 p.m. closing hour.

If we are able to extend the hours in Scottsdale we can ensure that customers stay inside of the city, which means that revenue stays inside of the city. Next slide, please.

Safety comes up a lot at a medical marijuana facility. It's a top issue at our harvest locations. We will continue to work hand in glove with the Scottsdale police department. They have not received an increase in calls as a result of this location.

This security measures include substantial security training of our employees. We stated we have 24-hour -- 24/7 live surveillance to ensure the access is limited to medical marijuana patient holders and ensure that the facility now stays secure and we have well-lit facilities.



[Time: 01:42:19]

Being a very regulated industry, the regulations dictate what we need to do in terms of security and it has proven to be a positive experience at all of our dispensaries. I have been working with detective John Miller to update our security plans for this project. I certainly cannot speak for him, but it does appear the department has been comfortable with the security that our dispensary operations have provided. Next slide, please.

To dig in a little bit deeper in security, a few years ago the Tempe police department pulled together a study looking at various types of crime around dispensaries liquor stores and convenience stores.

As you can see in this chart here for the 60 crimes that took place around a dispensary, there were substantially more that took place surrounding liquor stores and convenience stores, which gives us the information that we at harvest already suspected and knew that because of the highly regulated nature of these, because of the security cameras and the lighting required, crime is deterred because it's all on camera. So next slide.

With that, I'm happy to open up for any questions you may have and I thank you for this continued partnership with the city of Scottsdale.

Mayor Lane: Thank you, Ms. Niehaus. Let's see if we have any questions from the council. Seeing none, do I have a motion?

**ITEM 22 – MEDICAL MARIJUANA HOURS OF OPERATION TEXT AMENDMENT – MOTION AND VOTE**

[Time: 01:43:54]

Councilmember Korte: Mayor? I move to adopt ordinance number 4463.

Mayor Lane: Council member Korte so made a motion.

Councilmember Klapp: Second.

Mayor Lane: Councilwoman Klapp seconded. Any further comment. Hearing none, I think we are ready for a vote. All those in favor please indicate by aye. Those opposed with a nay. Register your vote.

The motion passes 4-3 with Vice Mayor Whitehead, Milhaven and Littlefield dissenting. That

completes that item. Thank you, Lauren and staff. We move on to mayor and council items. And Councilwoman Milhaven.

**MAYOR AND COUNCIL ITEMS-- MOTION #1**

[Time: 01:45:08]

Councilmember Milhaven: I want to make a motion around the mask mandate, while I agree with a lot of what you said at your opening, and I agree that masks are not the only solution, I do think that it's an important solution and I have heard today from both the business community and we have got a statement from Honor Health and the C.E.O. of Honor Health --

Mayor Lane: If I might, this is to agendize the discussion?

Councilmember Milhaven: Yes. I'm explaining what and why I want to agendize something.

We got a statement Honor Health and the C.E.O. and how important facial mandates are. So in response to the advice from our local healthcare professionals and I think the needs of the local business community, I think it's important that we continue to have a mask mandate and so I would like to make a motion that the staff bring forward an ordinance that would extend the mask mandate until rescinded by a majority of the city council and at that same meeting, review the guidelines put out by the state and county so that we can understand what the impacts are on individual businesses understanding that their guidelines would supersede anything that we have and make sure that we are addressing unique needs of any particular business segments. So that -- at the next meeting.

Vice Mayor Whitehead: I would like to second that. We have rescinded it. I'm pleased with the results of it. Thank you for your leadership on that.

We have no idea what the county mandate requires and we don't have any information on the state. I think that's responsible, even though the -- your action takes effect we need to have information as a council what is in effect.

And I think when the C.E.O. of the largest hospital in the city of Scottsdale and one of the largest hospitals in the state, representing 3,700 doctors, tells us that the mask mandate is needed, I don't have the qualifications to say I know better him and our job -- I will second that motion. Thank you, mayor.

Mayor Lane: Remembering that this is not the discussion period. I mean we had some information on this, but this is not being debated right now. Sherry did you raise your hand to indicate you had a question or a comment?

City Attorney Sherry Scott: Yes, we do need to have limited discussion on this because it's just a matter of a vote to put it on the next agenda. I understand the statements that have been made

to explain why it needs to be on the agenda, but because it's not a regularly agendized item, we need to keep the debate to a minimum.

**MAYOR AND COUNCIL ITEMS-- VOTE ON MOTION #1**

[Time: 01:48:15]

Mayor Lane: Okay. Motion has been made and seconded. I will think we are ready to vote. All those in favor with a aye. Opposed nay. The motion fails 4-3 with Councilwoman Klapp, myself, Councilman Phillips and Councilwoman Littlefield opposing. So move on from there.

Our next item under mayor and council, of course is the boards and commissions and the task force nominations.

For that purpose, we certainly turn it over to our capable Vice Mayor Whitehead.

**MAYOR AND COUNCIL ITEMS – MOTION #2**

[Time: 01:49:00]

Vice Mayor Whitehead: Back on the council items can I add a -- make a suggestion for an item? Can I go back to that item? What I would like to do is ask for a work study session --

Mayor Lane: Wait a minute now. If we are now offering a next -- another council item?

Vice Mayor Whitehead: Yes, another council item. So I would like to request a work study session item where staff provides us information as a council with what is in place at the state and county level, what is covered and provides us additional data that would make us clarify to answer questions from residents.

Mayor Lane: If I might ask or answer or at least suggest, I think that's something that we definitely do have at hand and it's something that we need to communicate.

I agree with that. I think that's very, very important. I may be fairly well versed the kind of things than even I have given here.

I realize that the rest of council is not in tune with that but it's important to make sure that our community is well-informed on all of those issues. And if I might suggest rather than a work study on it, that we end up asking council to provide that information for us. And frankly, to communicate it.

Vice Mayor Whitehead: Okay. I think a work study session would be very helpful, because we as a council can communicate with each other and we can communicate with staff and have the public in on the conversation.

So it would not be in any way requiring support or not support, but I think it will make us all more informed, including the community. So I hope that my peers will support me on that.

Councilmember Milhaven: I will second that.

**MAYOR AND COUNCIL ITEMS – VOTE ON MOTION #2**

[Time: 01:51:00]

Mayor Lane: The motion has been made and seconded. Seeing no further comment, all those in favor, please indicate by aye. Those opposed with a nay. Motion passes, 4-3, with councilman Klapp, myself and Councilman Phillips opposing. Okay.

So to that issue, and now that it's resolved or at least, we can move on. Next item is to turn it over to the Vice Mayor for the nominations.

Councilmember Korte: Mayor, before we move on, was there a timeline for that work study session?

Vice Mayor Whitehead: Yes, it would be nice to have it in October -- thank you, councilmember Korte.

Mayor Lane: And in spite of that, I think it's something that is more timely than even in the next week or so, when we schedule this.

So I think this information is something we need to get put together completely, as far as what our standards are for city hall, frankly what it is for the schools and any other agency that's and it's been discussed tonight, if I might be so bold to ask the city manager to make sure that we have a clear impression of not only how our events are being secured and how the protocols are put together, and the came up on the city hall and our city buildings and make sure we are clear on that and where the county and state weighs in and how much impact that has on all of us and our constituency.

I would like to get that information together and I think we should all have it for that meeting, if nothing else.

Vice Mayor Whitehead: Thank you, mayor.

Mayor Lane: Okay, we will try it again.

Vice Mayor Whitehead: I'm ready.

Mayor Lane: Off to you for the boards and commissions and task force.

**BOARD AND COMMISSION NOMINATIONS**

[Time: 01:54:28]

Vice Mayor Whitehead: Let's get to it. This evening, the City Council will be nominating Scottsdale residents interested in serving on citizen advisory boards, commissions and committees.

The Scottsdale City Council is responsible for establishing City policies and enacting laws in support of those policies. The Council relies on volunteer, citizen-based boards and commissions to research issues and make recommendations in support of the Council's mission and goals.

The information and recommendations provided by Council-appointed advisory boards is a valuable tool in helping Councilmembers in their deliberations.

Nominations this evening will be made for positions on the following boards and commissions: Building Advisory Board of Appeals, Historic Preservation Commission, Human Services Commission, Library Board, Loss Trust Fund Board, Parks and Recreation Commission, Paths and Trails Subcommittee and the Transportation Commission. Appointments for these positions will be made at the City Council Meeting on Tuesday, October 20th.

#### **BUILDING ADVISORY BOARD OF APPEALS**

[Time: 01:54:28]

Vice Mayor Whitehead: We will start with the building advisory board of appeals. There are three openings. The Building Advisory Board of Appeals has the jurisdiction to recommend that minor variances in the electrical, plumbing and mechanical application of the Building Code be granted and that alternative construction methods or materials be allowed.

Terms for Barbara Truelick's and Milan Kesic have expired. Both were eligible for reappointment; however, they did not submit applications for consideration. The third opening on the board is from a resignation that occurred in 2019. There are three vacancies, however, there is only one applicant. The applicant is: Randall Lukas. I now entertain a nomination for the Building Advisory Board of Appeals. And I will start with Councilwoman Klapp.

Councilmember Klapp: Randall Lukas.

Vice Mayor Whitehead: Thank you.

Councilmember Milhaven: Randall Lukas.

Vice Mayor Whitehead: Let's move on to the historic preservation commission.

#### **HISTORIC PRESERVATION COMMISSION**

[Time: 01:55:29]

Vice Mayor Whitehead: The Historic Preservation Commission oversees the development and management of Scottsdale's Historic Preservation Program.

Mayor Lane: Oh, yeah.

Vice Mayor Whitehead: Is there a problem?

Mayor Lane: It's just nominations. It's just nominations so once it's nominated. It's complete.

Councilmember Klapp: I'm sorry. I thought we were voting on it.

Vice Mayor Whitehead: No problem. Okay.

Mayor Lane: Nominations and appointments.

Vice Mayor Whitehead: So the special qualifications for the historic preservation commission. As outlined in the Scottsdale City Code, each member shall have demonstrated special interest, knowledge, or experience in at least one of the following: Building construction, history, architectural history, real estate, historic preservation law or other historic preservation related field.

Regina Buzzello's term expired in June. Ms. Buzzello was eligible for reappointment; however, she did not submit an application for consideration. There is one vacancy and one applicant. The applicant is: Larry Edmonds. I will now entertain a nomination for the Historic Preservation Commission. I will start with councilperson Milhaven.

Councilmember Milhaven: Mr. Edmonds.

Vice Mayor Whitehead: Thank you.

## **HISTORIC PRESERVATION COMMISSION**

[Time: 01:57:03]

Vice Mayor Whitehead: The human services commission has two openings. The Human Services Commission provides advisory recommendations to staff and the City Council on human services priorities, programs, and funding allocations. Denny Brown resigned from the commission in September. James Campbell's term expired this summer. He is eligible for reappointment and has submitted an application for consideration.

There are two vacancies and three applicants. The applicants are: Cambria Bowman, James Campbell, Fadumo Malow.

I will now entertain nominations for the Human Services Commission. Each Councilmember can nominate two applicants. And I will start with myself, and I will nominate, Cambria Bowman, and Fadumo Malow, I hope I'm pronouncing that close and then I will move on to Councilwoman Littlefield.

Councilmember Littlefield: No additional.

Councilmember Phillips: Jim Campbell.

Vice Mayor Whitehead: Okay.

### **LIBRARY BOARD**

[Time: 01:58:12]

Vice Mayor Whitehead: Moving on to the library board. There are two openings. The Library Board advises the City Council on general policy relating to the programs, services and future development of the Scottsdale Public Libraries.

Allegra Fullerton's term expired this summer. She was eligible for reappointment; however, she did not submit an application for consideration. Ruth Wachs' term expires in September. Ms. Wachs will be moving out of the city limits and will be ineligible to serve on the board. There are two vacancies and three applicants. The applicants are: Sam Campana, Brian Kelley, Fred Klein.

I will now entertain nominations for the Library Board. Each Councilmember can nominate two applicants. I will start with Councilwoman Littlefield.

Councilmember Littlefield: Brian Kelley and Fred Klein.

Councilmember Phillips: Sam Campana. Okay.

Vice Mayor Whitehead: Okay.

### **LOSS TRUST FUND BOARD**

[Time: 01:59:18]

Vice Mayor Whitehead: The loss trust fund board has one opening. The Loss Trust Fund Board is responsible for recommendations to the City Council regarding the administration of the loss trust fund.

**SPECIAL QUALIFICATIONS:** As specified in the Scottsdale City Code, the City Council shall appoint five joint trustees, of whom no more than one shall be a member of the City Council and no more than one trustee may be a City employee.

Brandon Perlow's term expired this summer. He is eligible for reappointment and has submitted an application for consideration. There is one vacancy and one applicant. The applicant is: Brandon Perlow.

I will now entertain a nomination for the Loss Trust Fund Board. I will start with Councilman Phillips.

Councilmember Phillips: Brandon Perlow.

Vice Mayor Whitehead: Thank you.

### **PARKS AND RECREATION COMMISSION**

[Time: 02:00:23]

Vice Mayor Whitehead: Parks and recreation commission, one opening. The Parks and Recreation Commission advises the City Council on the acquisitions of lands and facilities for use as parks or recreation centers; and on the operation, use, care and maintenance of these parks and recreation areas.

Sherry Woodley's term expired this summer and is ineligible for another term. There is one vacancy and one applicant. The applicant is: Ronald Lehman. I will now entertain a nomination for the Parks and Recreation Commission. I will start with Councilwoman Korte.

Councilmember Korte: Mr. Lehman.

Vice Mayor Whitehead: Thank you.

### **PATH AND TRAILS SUBCOMMITTEE**

[Time: 02:01:07]

Vice Mayor Whitehead: Moving on to paths and trails subcommittee. One noncommission member opening. The Paths and Trails Subcommittee advises the Transportation Commission and provides a public forum for issues surrounding paths and trails.

**SPECIAL QUALIFICATIONS:** The subcommittee shall consist of five members: two Transportation Commissioners, one Parks and Recreation Commissioner, and two non-commission members. Non-commission members are appointed by the City Council for terms of three years with a maximum of two terms.

Ted Levie's term expired earlier this year. He is eligible for reappointment and has submitted an application for consideration. There is one vacancy and three applicants.



The applicants are: Ted Levie, Nicholas Mazur, Carl Stein.

I will now entertain nominations for the Path and Trails Subcommittee. Each Councilmember can nominate one applicant. I will start with mayor lane.

Mayor Lane: I will nominate Ted Levie.

Vice Mayor Whitehead: Thank you, Councilwoman Klapp.

Councilmember Klapp: Ted Levie.

Councilmember Milhaven: No additional.

Vice Mayor Whitehead: I have no additional.

Councilmember Littlefield: No additional.

Councilmember Phillips: Carl Stein.

Councilmember Korte: Nicholas Mazur.

Vice Mayor Whitehead: Thank you.

#### **TRANSPORTATION COMMISSION**

[Time: 02:02:40]

Vice Mayor Whitehead: The transportation commission has three openings. The Transportation Commission advises the City Council on matters relating to the safe and efficient movement of vehicles, transit, pedestrians and bicycles. The commission provides a public forum to hear citizen complaints and requests regarding transportation matters.

Barry Graham's term expired earlier this year and he is ineligible for reappointment. George Ertel's term expired this summer. He was eligible for reappointment; however, he did not submit an application for consideration. Michael Kuzel's term expired this summer. He is eligible for reappointment and has submitted an application for consideration. There are three vacancies and six applicants.

The applicants are: Abigal Goode, Karen Kowal, Michael Kuzel, Donald Pochowski, Jay Rosenthal, Andy Yates.

I will now entertain nominations for the Transportation Commission. Each Councilmember can nominate three applicants. I will start with Councilwoman Klapp.

Councilmember Klapp: Michael Kuzel, Andy Yates and I don't have a third one.

Vice Mayor Whitehead: Okay. Councilwoman Milhaven.

Councilmember Milhaven: No additional.

Vice Mayor Whitehead: I will nominate Karen Kowal, Michael Kuzel, and Donald Pochowski, Councilwoman Littlefield.

Councilmember Littlefield: No additional -- well, Kuzel, Andy Yates and Karen Kowal.

Councilmember Phillips: No additional.

Councilmember Korte: Jay Rosenthal.

Vice Mayor Whitehead: I think we have all the nominations.

Mayor Lane: No additional.

Vice Mayor Whitehead: Thank you, mayor. This concludes our nomination process this evening. Individuals nominated will be contacted by city staff with additional information. I would like to take this opportunity to sincerely thank all who applied to serve on a citizen advisory board or commission.

Even if you were not nominated, your application will remain on file for one year for consideration at a future date, if there are additional vacancies. I will turn it back over the mayor.

Mayor Lane: Thank you, Vice Mayor.

That concludes our work for our regular meeting and I would ask for a motion to adjourn our regular meeting.

**ADJOURNMENT – MOTION AND VOTE**

[Time: 02:05:14]

Councilmember Klapp: Move to adjourn.

Councilmember Korte: Second.

Mayor Lane: The motion has been made and seconded. All those in favor, aye.

[ Chorus of ayes ]

**CITY COUNCIL WORK STUDY SESSION**

[Time: 02:05:29]

Mayor Lane: We will move right into our work study session and we will formally call to order the September 22<sup>nd</sup>, 2020, city council work study session and specifically the work study sessions provide a less formal setting for the mayor and the council to discuss specific topic with each other and the city staff and to provide the staff an opportunity to receive direction from the council. Our first item to be addresses. Up first is Jeff Nichols.

**ITEM 1 - MONTHLY FINANCIAL UPDATE**

[Time: 02:06:06]

City Treasurer Jeff Nichols: Thank you, Mr. Mayor. The monthly financial update, August 2020. We bring you to the operating funding sources. We review this portion of the financial update related to revenues the taxes local category and the state shared revenue category are from previous months.

This is an activity that happened in the month of August and the taxes local category, it's activity that happened in the month of July. And the state shared revenue, it happened in the previous fiscal year and we are getting our funding now and reporting it.

The reason I want to point that out in the federal unemployment, the cares act, increased weekly unemployment by 250% from \$240 up to a maximum of \$840 a week. That federal program ended on July 31<sup>st</sup>. And Congress has been unable to agree on a new stimulus package.

These people who are out of their unemployment payments, they are going down to \$240 per week may have a negative impact as we start seeing the activities in August and September which again will come in later months.

Now, on a positive note, one of the things I wanted to note, the unemployment rate continues to decrease as those whose jobs were negatively impacted by COVID-19 and began to return to work. I just wanted to state that caveat.

As for the taxes local, I will discuss those on the next slide, but I would like to note the positive variances state shared revenues, we are seeing this due to better than expected budgeted and state shared sales tax revenue.

In addition, auto lieu tax revenue is better than expected. I think one of the big reasons for this is the programs within the dealerships offering 0% interest for five years. So in this time of low interest rates, borrowing money is cheap, having savings in your account maybe not such a good

idea because the return you get is very low.

The positive variance in license permit and fees is driven by increased activity, and community services program as mentioned by the city manager, both the pools and the summer camps and ambulance payment contract from last fiscal year being recorded in this fiscal year creating that variance.

Finally, the positive variance, the fees and charges is due to the timing of right-of-way fees which are being collected annually versus quarterly as we have in past years. So we received all the money but that timing difference will go away as we move through the fiscal year. Next slide, Kelly, please.

So on slide three, you are looking at the ten categories related to the taxes local sales taxes if you will, and you will note that eight out of ten of those general fund sales taxes sources have positive variances.

As you would expect the explanation for these variances in each of these categories varies, some relate to timing and the filing of tax returns, for instance, and some relate to our conservative approach to budgeting these revenue sources.

I go back to the CARES Act, when I was looking at re-budgeting these revenues when we were bringing forward the proposed budget, I did not take into account the increase in the federal unemployment program of \$600 per week that people were receiving. So that would have had a positive impact above and beyond what we budgeted. So, again, the budget is conservative. I would be happy to review any specific categories if you have questions, but if not, I will go on to the next slide. Kelly, please.

The majority of the variance in contractual services that you see are of 2 million or 13%, is related to timing. The positive variance actually would have been greater, but it's back offset by budgeted expenditures related to equipment being installed earlier than it was budgeted for. So it's budgeted later this fiscal year, but staff is addressing concerns right now related to areas within risk.

The unfavorable variance in capital outlays, as small as it is related to a fire truck purchased that was made earlier and, again it will work itself out, that variance will go away, but it was to address a need and we went forward with the purchase. Kelly, next slide, please.

As reported, many times before, you notice the variance and the salaries of 200,000 or 1% being driven by the replacement of employees who leave the city for whatever reason and are replaced at a lower cost than what was budgeted. This accounts for the positive variance in the retirement as well. The second from the bottom.

The majority of the negative variance in overtime that you see of \$200,000 is related to the impact of COVID-19 on our fire department and it relates to the requirement of constant

staffing which requires we staff these stations and trucks 24 hours a day, seven days a week an 365 days per year. Kelly, next slide, please.

Six of the seven divisions or 87% have positive variances related to reasons previously explained. As just mentioned, the fire department is being negatively impacted by COVID-19, due to the requirement of constant staffing. Kelly, next slide, please.

[Time: 02:09:00]

And finally, at this point in time, we enjoy a favorable variance that is \$10 million greater than expected. \$15.1 million versus \$5.1 million that was budgeted. The majority of this variance, 83% of it relates to general fund sources or the revenues we are taking on the balance, the balance would be on the expense side.

As noted previously, the one source that concerns me the most is the inability of the feds to address another CARES Act package, another CARES Act funding package and I don't see that changing any time soon and the impact we will see from the decrease in the unemployment benefits on the people who are currently not going back to work. With that, mayor, I will take any questions that you may have.

Mayor Lane: Thank you, Mr. Nichols. Councilman Phillips.

Councilmember Phillips: Thank you, mayor. I just wanted to ask Jeff that -- do you think that's attributable to we have more in in sources or more in uses.

City Treasurer Jeff Nichols: It's definitely.

Councilmember Phillips: It surprises me that we are coming out ahead.

City Treasurer Jeff Nichols: It's definitely related to the sources and we are doing better in the revenue categories than we expected. I think a lot of that has to do -- a report came out recently open retail sales are up considerably month over month, and month over the last year. So people are out there spending, whether they are doing it online or at stores. So it is related to that.

My concern is the fact that all the people for a period of a few months were receiving the extra unemployment and were spending that or saving that, whatever it might be, that that stopped on July 31<sup>st</sup>.

So when we start to see the activity in August and September, if there's not another package coming out of the federal government, we might see decreased spending in those areas, and that concerns me.

Councilmember Phillips: Good point. Thank you.

City Treasurer Jeff Nichols: You're welcome.

Mayor Lane: No other questions, Mr. Nichols. Thanks very much for the presentation and good news on the overall.

City Treasurer Jeff Nichols: Thank you, Mr. Mayor.

City Clerk Carolyn Jagger: I wanted to note that this was the treasurer's last council meeting, and his last financial report.

Mayor Lane: That's a good point to be made, Ms. Jagger. What a great financial report. We certainly want to thank you for your service to the city and all the capacity and particularly going through this period of time, with our financial situation.

It had to be specifically viewed and projected and frankly attended to on each and every step. So thank you very much for the extension of being here. And as I say, for the overall, and I certainly open it up to anyone who would like to add to that. I would like to start with just an applause and thank you for your service.

[ Applause ]

City Treasurer Jeff Nichols: And thank you, Carolyn.

## **ITEM 2 – MONTHLY FINANCIAL STUDY SESSION**

[Time: 02:15:56]

Mayor Lane: All right. Now, we move on to the monthly financial study session and our illustrious city manager, Jim Thompson who will take us from here.

City Manager Jim Thompson: Mr. Mayor, mine is going to be very brief. I will use one of the slides that Jeff just had up on the board. It shows the consistency of where we are at. The general fund results for the first for the period ending August 2020, year-to-date. The key point is if we look at '19/20 actual and we look at our 20/21 actual and what we budgeted, there's only a couple million dollars spread, actually 1.9 million between what we had last year and what we had this year, however, we budgeted almost 10 million -- \$10.2 million less on our records.

So I mean, we out performed for this first portion, 19% greater or favorable difference of 8.3 million, just for this short period of time. Now, don't get too excited about it, because we -- I think Jeff has noted many of the reasons, but we're cautious on this. We're cautiously optimistic right now, but, again, January, February and March are our largest revenue source periods of time, and so we're a little bit hesitant.

We are glad we are so far ahead. We are glad we are budgeted very conservatively and 8.3, just to start off the year is pretty substantial and we're not far behind as we anticipated. Likewise, we cut almost -- we cut 9 million, 9.2 million and use is not so favorable in that sense of where we were last year.

[Time: 02:17:35]

As you would expect, we actually have spent less than the \$10 million. So when you look at that and you say, okay, where are we at in compare to last year, we have actually spent less than, you know -- or less than \$10 million than what we spent last year for the same period. So overall, this is substantial.

But we budgeted in this case 38.3, and we spent 36.6 last year for the same period of time we spent 47.5. So again, the cuts on the revenue and the expenditure side, we are out performing them at this point and so far this year, we have a favorable position between both of those of \$10 million.

And so we're happy with that, but we're still cautious about that, just because we have months to come. Next slide, if you would, please. So cautious optimism ended last year better than expected.

At the end of the fiscal year, we were 7.8 million to the good and that was some of the reductions we made even though we saw our revenue fall off once the pandemic hit. We were still 7.8 million ahead at the year end because the reductions we made on the expenditure side.

This year's revenues are coming in better than noted as noted in the last slide, 8.3 million, the expenditures are coming in lower than budgeted by 1.7 million and managing positions. Well, I think if we recall, we certainly had 78 vacant tentative positions and we left those in place. We now have 145.

So they will be -- they have become vacant since the beginning of the budget process until today. We have deferred some of those. Some of those we have but we are slow to hire some of those.

There are a few that we expeditiously hire when we know that they are becoming vacant. So we have continued to reduce those numbers Jeff alluded to and noted that some of the inherent savings are bringing in individuals at a lower level than maybe somebody who had been with us and maxed out in their salary range as well. That contributed to it.

And then evaluating whether to start adding back some of the 27.5 million in cuts that would have been beyond the first couple months of the fiscal year. We still have 27.5 remaining of those cuts. So we're looking at that.

Some of it ties back to when to open the last two libraries and some other things associated with some of the reductions we made that we still have funding in the budget that we could occupy.

We're not asking to change any of that right now and I'm not moving forward with any of those at this time. Depend, cautiously optimistic -- again, cautiously optimistic is the best position we could take. That's all I have for you. It was short. I think Jeff covered most of it. If you I have in questions, I'm happy to entertain those.

Mayor Lane: Very good. Thank you, Mr. Thompson. Any questions of city manager? Good news too.

City Manager Jim Thompson: Thank you have.

Mayor Lane: Thanks very much.

### ITEM 3 – 5G WIRELESS

[Time: 02:20:50]

Mayor Lane: Our next item on the work study session is the 5g wireless and we have presenter Keith Niederer, our telecom policy coordinator. Are you available, Keith?

Telecom Policy Coordinator Keith Niederer: I am, can you hear me?

Mayor Lane: Yes, we can.

Telecom Policy Coordinator Keith Niederer: Okay. Great. Good evening, mayor and members of city council. This item before you tonight is the result of the council decision -- [ garbled audio ] To have a presentation regarding the implementation of 5g. Next slide, please.

City council and staff received correspondence over the past several months from several residents with concerns about quality and location of new wireless facilities near neighborhoods and the concerns of how that affects -- [ Garbled audio ] And the creation of the input and output and require needs among other items. Next slide, please.

5g is the fifth generation of wireless cellular networks. This is a photograph of an existing facility which contains the 4G. antennas at the top with 5g antennas below in the photograph. Next slide.

How is 5g different than 4g? 4g operates in a certain frequency range. 5g will operate in around 4 gigahertz and the advantages of our -- it leads to higher download speeds and the disadvantages is shorter range as the frequency wavelengths are only able to travel a short



distance. This requires more locations throughout the city. The use of higher frequency is creating concerns among several individuals, not just here in Scottsdale but nationwide since the -- since the 5g has come out.

[Time: 02:23:19]

The FCC issued RF standards which all carriers must abide by. An inquiry was opened in 2013 to discuss these standards however, the FCC declined to make up dates. [ Garbled audio ] Within the right of ways open street levels, signal poles, utility poles, towers and also installing alternative concealment facilities such as the artificial palm tree and Saguaro cactus. Next slide, please.

Between 2018 and to 20, this was a decision by crown castle to distribute these systems in northern and central Scottsdale, which was built and completed. 270 of these sites and which 170 of which are located within the public rights of way, and these are located mostly at tree levels and signal poles and where there's no existing verticality. Next slide, please.

The legislature approved hb2365 which became effective on August 9<sup>th</sup>, 2017. This bill granted the wireless carriers to locate within the public rights-of-ways and the public utility easements and this includes local residential streets. Next slide, please.

Currently 28 states have legislation similar to what Arizona has. In addition, in September 2018, the FCC released an order that limits the facilities nationwide. Next slide, please. Here's some additional elements of what HB-2365 did. It exempts small wireless facilities from the zoning process.

When the crown castle project came to the city about ten years ago, the majority of the sites didn't go through the development review process and the neighborhood outreach. 2365 introduced -- [ Garbled audio ] Whether the application is complete and then 75 days to approve or deny the application in staff doesn't meet the shot clock, this is automatically deemed approved.

[Time: 02:26:17]

The city is required to make the streetlight poles and the signal poles within the right-of-way available for collocation of these small wireless facilities. It will prohibit the cities and counties from issuing moratoriums. That does not provide significant gaps.

They must limit the fee to \$50 per site, if attached to a city owned pole such as a light pole or signal pole. This is a substantial drop from what the city collected prior to the bill. The plan and the permitting fee was limited to \$750 per application. Next slide, please.

Some additional elements is it preserves the management functions for public safety, such as keeping them separate from underground utilities and keeping them out of sight visibility

triangles and such. There's a reasonable aesthetics requirement.

The zoning ordinance will continue to apply to wireless sites that are not on the wireless facilities, and site slow within the rights-of-way. The facilities will have the standard terms and conditions for wireless in the right-of-way, which is approved by the city council in January of 2018. The document also includes insurance and indemnification requirements, and requires F.C.C. rules. Next slide.

Here's some examples of recently built small wireless facilities. The majority of them, which happened since the passage of the bill has been around southern and central Scottsdale and were on streetlight poles. The state also says a small wireless facility has to be less than 6 cubic feet of antenna, and 20 cubic feet or less of ground unless it was approved prior to that, they are limited 50 cubic feet. Next slide, please. [ Garbled audio ]

This number does include the distributed systems that were built ten years ago. Next slide. Here's just a little overview of the telecommunication act of 1996. This was a federal law and FCC regulations. These laws do not directly address the opportunity but address the wireless communication facilities in general.

Now, section 332 addresses mobile wireless services and preserves state and local authority over -- over wireless tower settings. It says the local government shall not up reasonably discriminate of providers of functionally equivalent services and it should not have the effect of prohibiting the provision of wireless services.

And it also goes on to say no state and local government may regular late the placement, the construction and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

That such facilities comply with the FCC regulations concerning such emissions. Now this would include any health impacts from environmentally -- environmental exposure to radio frequency emissions.

Regarding the last section, when Section 332 was adopted as part of the Telecommunications Act of the 1996, the FCC -- [ Garbled audio ] The FCC adopted the guide lines for personal wireless services, including cell sites and adopted a maximum permissible exposure limits for electromagnetic field strength and power density for the transmitters.

In addition to setting the permissible exposure, the FCC determined that the state and local government could not regulate the operation of the wireless facility regarding radio frequencies, as long as the wireless facility was operating within the FCC guidelines. Next slide, please.

[Time: 02:31:16]

In addition to the state, there was also the FCC small -- [ Garbled audio ] This was designed by

the FCC to facilitate or implement 5g rollout nationwide. Here in Arizona, they can't choose which regulations to follow. They already have a wireless bill approved as there is some differences between the FCC order and the state order.

There are challenges to the FCC order, however, most have been upheld in court. There's had -- [ Garbled audio ] Categorical conclusions for 5g small cells that need an environmental assessment. This would include a lot of small wireless facilities that have been installed this Scottsdale, except potentially the historic districts.

I did contact the FCC and said that the carriers review a NEPA check list and if it's triggered, they carry -- they submit an environmental assessment with the FCC. If it's not triggered, the project is categorically excluded. And they also said there's no requirement that the city has no hold up any approvals of these sites for the NEPAs approved.

But in the NEPA requirements aware that they have to obtain that before construction. Next slide, please. A little more than national and environmental policy act. Once a location is categorically exempt, unless it's in a wetlands area, and -- [ Garbled audio ] Eligible for inclusion into the national register of historic places or cultural sites, located within the floodplain or equipment will not be placed at least one foot above the -- surface features or migratory birds. [ garbled audio ] They have to fill out the check list to see if it's required.

And there was no requirement for the state and local authorities to require NEPA approval permit issues. What the carriers have mentioned, they would like to know if the locations of the small wireless facility is going to be approved by the city before they approach NEPA because it's a different process and if they get their NEPA approval first, this he would have to go back through it -- they would have to go back through it after the city approval, if the location changes. Next slide. Next slide, please. That concludes my presentation.

I would be happy to answer any questions you may have. Thank you.

Mayor Lane: Thank you, Keith. Appreciate that presentation. Do we have any questions of the presenter? Councilman Phillips.

Councilmember Phillips: Well, I'm sorry, everybody, but I have a lot of questions. So we'll be here for hours. Not really, but -- okay. So Mr. Niederer, I guess we'll go down these questions not really in order, but I will start with the top one. Is the city of Scottsdale monitoring the amount of energy needed? Because by law, we should be using the minimum necessary.

[Time: 02:35:28]

Telecom Policy Coordinator Keith Niederer: Councilman Phillips, Mayor Lane, we are not to my knowledge.

Councilmember Phillips: Okay. So we are not monitoring that. So we don't know. Is there truth

that we paid for fiber optic and we are not getting it, we are getting this instead?

Telecom Policy Coordinator Keith Niederer: Mayor Lane, Councilman Phillips, not to my knowledge. I don't know if the city attorney has any information on that.

City Attorney Sherry Scott: Mayor Lane and Councilman Phillips, I don't have information on fiber optics versus the small wireless facilities. I do think that there are fiber optics that we have in the city, and I'm not sure I fully understand the question.

Councilmember Phillips: Well, the claim was that residents have already paid for the fiber optic, and instead of getting that, we are doing these towers instead. And so if we have already paid for the fiber optic, we should get that because then we would need less towers.

City Attorney Sherry Scott: So mayor and Councilman Phillips just to try to explain, the city is not the entity that is installing the wireless antennas.

Councilmember Phillips: I know that.

City Attorney Sherry Scott: So if a wireless facility comes to the city requesting a permit to collocate a small wireless facility and the city right-of-way, then state law requires the city to be accommodating of that request. There are very few grounds that we could deny that request on.

Councilmember Phillips: Okay.

City Attorney Sherry Scott: So we wouldn't be able to say even if we had sufficient fiber optics that the wireless facility could not locate in the right-of-way, simply because there were fiber optics that might be available.

[Time: 02:37:38]

Councilmember Phillips: Well, that might be more of a state question if we were taxed for that and we are not getting it.

Mayor Lane: Most of the fiber optic is in the ground right now, that is either privately owned or it's owned by the city for specific applications where we may have conduits in certain areas of the city for our own use.

Sometimes for public safety and that, but the element here is to have fiber optic that in generally a lot of areas is in place to feed up higher bandwidth to feed into a 5g or a 4g for that matter.

But the use of right-of-way for fiber is really just a component part in these small cells which are closer, you know, together than some of the high towers. So they are a less imposing on one

hand and on the other hand, they have a greater dependency to having that fiber to them for the greater distances.

Councilmember Phillips: These are questions that I heard that I wanted to get the answers to. Do we now how many are planned in Scottsdale?

Telecom Policy Coordinator Keith Niederer: Mayor Lane, Councilman Phillips, we do not. There was quite a few done in 2018, and 2019, not a lot this year. However, Verizon was proposing a couple of hundred cells down the road earlier this year, but from what I understand, that's on hold at least to 2021.

Councilmember Phillips: I think if we had 270 and you are saying a couple hundred, we will more than double the towers. And I remember that all the complaints from the residents from -- what was the name of that place?

The guy with the -- who was putting in all of those towers and putting them in neighborhoods and they didn't want them, and, you know, forget it. We will get a lot more of those complaints. Do you know if the 5g towers are the same as the 4g towers?

Telecom Policy Coordinator Keith Niederer: Councilman Phillips, the majority of the sites that have gone on in so far are 4g, from what I'm told they plan at some point to upgrade them to 5g, which would require some additional -- [ Garbled audio ] Caster at the top of the light poles but --

Councilmember Phillips: So what you are saying.

Telecom Policy Coordinator Keith Niederer: They are not installed yet.

Councilmember Phillips: We are not really adding that many more towers?

Telecom Policy Coordinator Keith Niederer: We would -- there will be a lot more towers added from what I'm being told.

Councilmember Phillips: Okay. But some towers that we have that are 4g can be replaced to 5g?

[Time: 02:40:23]

Telecom Policy Coordinator Keith Niederer: Correct. [ Garbled audio ] Radio equipment.

Councilmember Phillips: And okay. And then one question, I think you answered that. Does the signal require NEPA approval?

Telecom Policy Coordinator Keith Niederer: Mayor Lane, Councilman Phillips, the city does not

require NEPA approval. That's a separate federal process, and the carriers know to go through it, the check list to see if it's required.

Councilmember Phillips: Okay. But somebody is monitoring that, to see that they have it, whether it's state or the county.

Telecom Policy Coordinator Keith Niederer: It's a federal requirement.

Councilmember Phillips: A federal requirement. Okay. And the environmental triggers you talked about, would that be like the preserve or the scenic corridor?

Telecom Policy Coordinator Keith Niederer: I'm sorry, can you repeat that, councilman.

Councilmember Phillips: You mentioned about the environmental triggers and I'm saying would that be the preserve or the scenic corridor. I know they mentioned historic places. So I just want to make sure that --

Telecom Policy Coordinator Keith Niederer: Oh, for the -- [ Garbled audio ] The historic lands that we have with the H.P. zoning overlays.

Councilmember Phillips: So you don't think that's going to include the preserve, let's say, along the preserve? You know, because I think that might be a problem too. We start seeing a bunch of towers popping up there. So --

Telecom Policy Coordinator Keith Niederer: We have not received any requests for these small wireless facilities within the existing or planned preserve boundary.

Councilmember Phillips: The final thing is just for me, is the city going to be monitoring the placement of these so we know with is going on? They don't just get put up and then we have to deal with it later?

Telecom Policy Coordinator Keith Niederer: Mayor Lane, Councilman Phillips, no, we monitor each of these sites -- [ Garbled audio ] With the carrier. We make sure that there's no -- make sure that there are no underground utilities and we map all the locations to track. So not just the residents can see where these things are approved but also the carriers can see which levels are already taken.

Councilmember Phillips: So each tower is a separate application?

[Time: 02:42:49]

Telecom Policy Coordinator Keith Niederer: That's correct.

Councilmember Phillips: Okay. Thank you very much for answering my questions.

Mayor Lane: Thank you, councilman. Any other comments or questions? Of Mr. Niederer.

I would just say it's not what is installed currently and maybe that will be changed because there will be some switch out on some, but given the frequently and the distance that could be run, as was explained even in the presentation, you've got to certainly they are smaller, but nonetheless, they will require some height.

I'm not sure exactly what that dimension is, but what is being proposed to us is really not got too much to do with what we're in the process of providing for our community or rather allowing for our community in the way of cell communication.

It's whether or not we want to take up an effort to -- to somehow or other circumvent the S.E.C. and the EPA and their guidance and their control over these issues and whether we want to go up against the state and the feds in the process.

I would say that there really is not an interest in entertaining that kind of activity because it really -- it would increase a tremendous amount of liability far beyond whatever is being presented as what we're facing now with the installation to the taxpayers.

And frankly even to the level of everything that we might see and how we might be perceived if, in fact, we were to stand in the way of it. Up against the feds, up against the state, the FCC and the EPA, in order to try to nullify the installation of the 5g networks. So it's a work study. That's my only comments.

I don't see that there's any particular reason for us to pursue this further with any guidance. I mean, I would -- yes, Councilwoman Littlefield.

Councilmember Littlefield: I just had a question that came to my head and I thought I would ask. What is the -- how is the insurance handled on these towers? Is that done through the company that installs them or does the city carry insurance and indemnification.

Mayor Lane: As with anything in the right-of-way, we are fully indemnified by whoever is using the property. So that's -- that's not an area of concern as far as that is concerned.

Councilmember Littlefield: Okay. Thank you.

Mayor Lane: Well, unless someone has any opposing point of view, I think really as far as I'm concerned, we have heard the story. We have all viewed the information that has been presented to us, and seen the presentation as far as the city is concerned. So unless there's an objection, I will consider that item closed. And that is the final item on our work study session. Keith, I want to thank you, again for your presentation if you are still out there.

Telecom Policy Coordinator Keith Niederer: I am, indeed, mayor.

**ADJOURNMENT – MOTION AND VOTE**

[Time: 02:46:16]

Mayor Lane: And I ask for a motion to adjourn.

Councilmember Phillis: So moved.

Vice Mayor Whitehead: Second.

Mayor Lane: The motion has been made and seconded. All those in favor of adjournment, please indicate by aye.

[ Chorus of ayes ]

Mayor Lane: Thank you all.