



**CITY OF SCOTTSDALE
MCDOWELL SONORAN PRESERVE COMMISSION
SPECIAL MEETING MINUTES
Wednesday, March 18, 2021
Meeting held electronically**

PRESENT: Chairperson Cynthia Wenstrom, Vice-Chair Laurie LaPat-Polasko, Commissioners Steve Coluccio, Steve Dodd, Mark Hackbarth, Marsha Lipps, and Tawana Parker

STAFF: Kroy Ekblaw, Preserve Director; Scott Hamilton, Senior Trails Planner

1. CALL TO ORDER

Chair Wenstrom called the meeting to order at 5:00 p.m.

2. ROLL CALL

Members present as noted above.

3. PUBLIC COMMENT

No public comments were submitted.

4. APPROVAL OF MINUTES

February 18, 2021 and March 4, 2021

VICE-CHAIR LAPAT-POLASKO MOVED TO APPROVE THE FEBRUARY 18, 2021 MCDOWELL SONORAN PRESERVE COMMISSION MEETING MINUTES. COMMISSIONER LIPPS SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0) BY ROLL CALL VOTE. CHAIR WENSTROM, VICE-CHAIR LAPAT-POLASKO, COMMISSIONERS COLUCCIO, DODD, HACKBARTH, LIPPS, AND PARKER VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSIDENTING VOTES.

Commissioner Hackbarth requested that under the McDowell Sonoran Conservancy update, the item referencing the interpretive trail around Brown's Ranch be clarified to explain that it will be an interpretive trail at the actual Brown's Ranch site.

VICE-CHAIR LAPAT-POLASKO MOVED TO APPROVE THE MARCH 4, 2021 MCDOWELL SONORAN PRESERVE COMMISSION MEETING MINUTES AS AMENDED. COMMISSIONER LIPPS SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0) BY ROLL CALL VOTE. CHAIR WENSTROM, VICE-CHAIR LAPAT-POLASKO,

COMMISSIONERS COLUCCIO, DODD, HACKBARTH, LIPPS, AND PARKER VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

5. EXISTING ORDINANCE PROHIBITION OF MOTORIZED VEHICLES

Mr. Hamilton reviewed the existing Preserve Ordinance prohibiting motorized vehicles. He noted that Arizona State Statute defines three classes of E-bikes: Class 1, pedal assist, which goes up to 20 mph; Class 2, throttle, which goes up to 20mph without pedaling; and Class 3, pedal assist, which goes up to 28 mph. E-bikes are not considered motor vehicles and have the same rights and privileges as a person riding a standard bicycle. Local agencies do have the ability to prohibit their use.

The City of Scottsdale allows Class 1 and Class 2 E-bikes to be used on multiuse paths and sidewalks outside of the Preserve. Class 3 bikes are allowed in bike lanes on the street. Preserve Ordinance prohibits the use of electric bikes as well as other listed devices within the Preserve Boundary. Signs are posted at all of the north area trailheads where bicycle use is most prevalent and are rotated through the south area trailheads. Because of the signs' placement, many users did not see it until they were headed out to the trails and at that point opted to ignore the sign. In response to that issue, sandwich boards have been placed in more visible locations. The additional visibility prompted many people to express concern that the City was not following federal guidelines under the Americans with Disabilities Act. Because standard bicycles are allowed in the Preserve, there is some question about making a reasonable accommodation to allow E-bikes as an other-power-driven mobility device (OPDMD).

Staff is interested in exploring concepts to develop a pilot program to accommodate and be reasonably accommodating to the use of E-bikes as OPDMDs. The program would be designed to provide visible recognition that an E-bike is being used for a legitimate purpose by issuing a sticker or placard indicating the device is being used for an ADA mobility purpose. The identification would be useful in letting stewards, other trail users, and police know that the person using the device has been approved for use in the Preserve. Research is being done to learn what other cities, such as Boise, Idaho, are doing to address similar situations. It is hoped that the pilot program could be implemented for the FY 2021/22 season. Results would be brought back to the Commission for discussion before making a decision to make the program permanent.

Discussion ensued regarding the possibility of a pilot E-bike program. Commissioners expressed concern about the appropriateness of allowing any kind of motorized device in the Preserve, possible dangers that could be created by having a device moving at 20 miles per hour on a narrow trail with other users, whether the City is being reasonably accommodating, and regulations that could be put in place if E-bikes were to be allowed.

Staff will bring back additional research to outline the framework of a pilot program option and agendaize further discussion for a future meeting. The City legal department will be asked to review the ADA requirements and be available to answer questions.

6. POLICY PROCESS UPDATE

- A. Kroy Ekblaw, Preserve Director, provided an update on the Policy process, timeline, and future cost estimating of policy ideas.

As part of his presentation, Mr. Ekblaw summarized items presented during the last meeting, including the seven key topics and the discussion of comprehensive funding and the process of pursuing a perpetual funding mechanism. He noted that the webpage is being developed and will offer users to click on one of the seven items and go to a detailed information page for that item. He highlighted areas that will be a “homework assignment” for staff and Commissioners over the coming months.

Mr. Ekblaw anticipates that the process will be completed in time to be presented during a Council work study session in late summer/early fall of 2022 and will be ready to go to a public vote in November of 2022.

B. Mr. Hamilton presented updated Preserve maintenance and operations costs.

Mr. Hamilton reviewed the budget for maintenance and operations costs for FY 2020/21, which came in at approximately \$811,229. He presented the previous projections for maintenance and operations through FY 2023/24. The dollar amounts will be included in the spreadsheets for each of the seven items.

Mr. Ekblaw reiterated that the goal is to be as transparent as possible and make all of the information available to the public in an easily understood format. He noted that Gina Kirklín from the Treasurer’s office will give a budget update to the Commission in April or May.

7. STAFF REPORTS

Mr. Hamilton said that as a test for in-person Pathfinding, last Wednesday, Thursday, and Sunday the Conservancy and Pathfinders went out to Brown’s Ranch Trailhead with social distancing protocols in place. Comments from Pathfinders and the public were positive. Pathfinders generally felt that the public was respectful and appreciative of their presence. Additional testing is planned and potentially expanding to Lost Dog Wash Trailhead in the coming weeks.

Mr. Hamilton shared photographs of the construction progress at Pima/Dynamite Trailhead. The soft opening for Pima/Dynamite Trailhead is planned for July.

8. UPCOMING MEETING DATES, LOCATIONS AND AGENDA ITEMS

All dates listed are tentative and subject to amendment:

- April 1st –
 - Policy Process
 - Review Cost estimates for Invasive Plants, Wildland Fire Mitigation and Restoration Projects
 - Review Cost estimates for Cultural Master Plan Projects

2021 thru June:

Regular meetings

May 6th

June 3rd

Special meetings

April 15th

May 20th

June 17th

- Possible Tour - Date TBD

Mr. Ekblaw noted that the date for a presentation from Maricopa County Flood Control District is still yet to be determined.

9. COMMISSIONER COMMENTS

There were no Commissioner comments.

10. ADJOURNMENT

COMMISSIONER COLUCCIO MOVED TO ADJOURN THE MEETING. COMMISSIONER LIPPS SECONDED THE MOTION, WHICH CARRIED SEVEN (7) TO ZERO (0), BY ROLL CALL VOTE. CHAIR WENSTROM, VICE-CHAIR LAPAT-POLASKO, COMMISSIONERS COLUCCIO, DODD, HACKBARTH, LIPPS, AND PARKER VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 6:23 p.m.

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