

**SCOTTSDALE**

# **CITY COUNCIL MEETING**



**\*\*\*AMENDED\*\*\* REGULAR MEETING AND WORK STUDY SESSION**

## **NOTICE AND AGENDA**

**[ADDED CITY MANAGER'S REPORT AND ADDED PUBLIC COMMENT TO WORK STUDY SESSION]**

### **COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

**Tuesday, November 17, 2015**

*Unless an exception is made, or unless otherwise noted:*

*Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment). The Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (December 2, 2015).*

**5:00 P.M.**

**MARKED AGENDA**

### **CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:03 P.M.**

**Roll Call – All present**

*One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).*

**Pledge of Allegiance – Junior Girl Scout Troop 2317, Leaders Monika Archer and Laurie Bagley**

**Invocation – Pastor Neil Montgomery, Scottsdale Bible Church**

**Mayor's Report – None**

**\*\*\*City Manager's Report – Acting City Manager Brian Biesemeyer reported on the increase in City employee contributions to the 2015 Charitable Choice Campaign (United Way).**

**Presentations/Information Updates – Masimo Regional Business Manager Steven Conney presentation.**

- **Congressional Fire Service's Institute/Masimo Excellence Award**  
**Presenter(s):** Bill Webb, Executive Director of Congressional Fire Services Institute;  
Andy Jones, Vice President of Masimo

**Public Comment – Daria Holman, Stanna Michelle Slater, Kristin Longenecker, and Susan Frederick Gray spoke in support of a non-discrimination ordinance. Chris Harper spoke in opposition to a non-discrimination ordinance.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

## MINUTES

**Request:** Approve the [Work Study Session Minutes of October 27, 2015](#).

**– Councilwoman Milhaven made a motion to approve the Work Study Session Minutes of October 27, 2015. Councilmember Korte seconded the motion, which carried 7/0.**

## CONSENT AGENDA ITEMS 1-9

**How the Consent Agenda Works:** The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

**– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 9. Councilwoman Milhaven seconded the motion, which carried 7/0.**

- [Permanent Extension of Premises for Casa Mia \(12-EX-2015\)](#) – **Approved on Consent.****

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for a Series 12 (restaurant) State liquor license.

**Location:** 11485 N. 136<sup>th</sup> Street, Suite 109-110

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- [In-Patient Building – Banner Behavioral Health Conditional Use Permit \(17-UP-1979#2\)](#) – **Approved on Consent.****

**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 10258** approving a Conditional Use Permit for a hospital to modify the existing site plan to accommodate a new building on a 8.68±- acre parcel with Commercial Office (C-O) zoning.

**Location:** 7575 E. Earll Drive

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- [T-Mobile PH23001 – Desert Mountain Cactus Conditional Use Permit \(22-UP-2003#3\)](#) – **Approved on Consent.****

**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 10257** approving a renewal of a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication Facility within a 30-foot-tall artificial saguaro cactus located on a 26± acre parcel with Open Space Environmentally Sensitive Lands District (O-S ESL) zoning.

**Location:** 39730 N. Cave Creek Road

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

4. **Capital Improvement and Facilities Projects On-Call Architectural Services Contracts – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10265** authorizing the following on-call architectural services contract modifications for capital improvement and facilities projects for the third year option:
  1. Contract No. 2013-173-COS-A2 with Holly Street Studio Architects
  2. Contract No. 2013-174-COS-A2 with Fucello Architects**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
  
5. **2015 Title VI Program for Transit Services – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10270** authorizing the adoption of the City’s 2015 Title VI Program for Transit Services.  
**Staff Contact(s):** Paul Basha, Transportation Director, 480-312-7651, [pbasha@scottsdaleaz.gov](mailto:pbasha@scottsdaleaz.gov)
  
6. **Police Department Urban Area Security Initiative Grant – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10254** to authorize:
  1. Agreement No. 2015-231-COS with the Arizona Department of Homeland Security to accept grant funds in the amount of \$39,744 to continue to enhance emergency-management and homeland security efforts.
  2. A budget transfer in the amount of \$39,744 from the adopted FY 2015/16 Future Grants Budget and/or the Grant Contingency Budget and the creation of a new cost center to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
  
7. **Request for Exemption from Posting Security for Outstanding Workers’ Compensation Claims – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10274** authorizing the execution of a letter to the Industrial Commission of Arizona requesting an exemption to the requirement to post security for outstanding workers’ compensation claims.  
**Staff Contact(s):** Katherine Callaway, Risk Management Director, 480-312-7841, [kcallaway@scottsdaleaz.gov](mailto:kcallaway@scottsdaleaz.gov)
  
8. **November 3, 2015 Special Election Canvass – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10268** as the official canvass of the City of Scottsdale November 3, 2015, Special Election.  
**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)
  
9. **Monthly Financial Report – Approved on Consent.**  
**Request:** Accept the FY 2015/16 Monthly Financial Report as of September 2015.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

**Public Comment – Neville Verster, Grant Sardachek, and Jim O’Connor spoke in opposition to a non-discrimination ordinance. Kim Sullivan and Benji Messer spoke in support of a non-discrimination ordinance.**

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

## CITIZEN PETITIONS

### ITEM 10

**Citizen Petitions:** This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

#### 10. Receipt of Citizen Petitions – None

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

## MAYOR AND COUNCIL

### ITEM 11

#### 11. Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for December 1, 2015)

**How the Board and Commission Nomination Process Works:** The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Building Advisory Board of Appeals (*three vacancies*) – **Councilwoman Littlefield nominated Jamie Rothman**

Development Review Board (*one vacancy*) – **Councilwoman Milhaven nominated Kevin Bollinger**

Environmental Quality Advisory Board (*two vacancies*) – **Councilwoman Klapp nominated Ted Geisler and Alisa McMahon and Councilman Phillips nominated Aliza Sabin**

Historic Preservation Commission (*two vacancies*) – **Mayor Lane nominated Doug Craig and John Southard, Councilman Phillips nominated Helen Siegel, and Councilwoman Littlefield nominated Cynthia Lee**

Loss Trust Fund Board (*one vacancy*) – **Councilmember Korte nominated Suzanne Welch**

Neighborhood Advisory Commission (*one vacancy*) – **Councilman Smith nominated Kay Sperduti, Councilman Phillips nominated William Lichtsinn, and Councilwoman Milhaven nominated Caroline Rossi**

Personnel Board (*one vacancy*) – **Councilman Phillips nominated William Lee II, Councilwoman Littlefield nominated Allen Reed, and Councilwoman Klapp nominated Jeffrey Skoglund**

Tourism Development Commission (*one Hotelier vacancy*) – **Councilwoman Littlefield nominated Julie Kercher and Councilwoman Milhaven nominated Ren Hirose**

**Note:** The only Council action to be taken on Item No. 11 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

**Mayor and Council Items – None**

**Adjournment – 6:10 P.M.**

## CITY COUNCIL WORK STUDY SESSION

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard  
(Immediately Following the Regular Meeting)

**Call to Order – 6:10 P.M.**

**Roll Call – All present**

*One or more members of the Council may be unable to attend the Council meeting in person, and may participate in telephonically, pursuant to A.R.S. §38-431(4).*

**Work Study Sessions:** Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics, at length, with each other and City staff. Work study sessions provide an opportunity for staff to receive direction from the Council and for the public to observe these discussions.

**\*\*\*Public Comment – John Zoutendike spoke in opposition of a non-discrimination ordinance. Jake Bennett spoke in support of a non-discrimination ordinance. Karen Bailey and Nelda Majors spoke in support of a non-discrimination ordinance. Tyler Kinnie spoke in support of a non-discrimination ordinance. Jim Campbell spoke in opposition to a non-discrimination ordinance.**

To provide an opportunity for public input, yet continue to maximize the amount of time available for the Council to have focused discussions, a total of fifteen minutes will be set aside at the beginning of each work study session for public comment on the agenda items. If you have thoughts or suggestions on the work study session items you would like the Council to consider, you are encouraged to complete a Written Comment card and submit your written comments to the City Clerk. The Clerk will ensure the Council receives your comments at various times throughout the evening.

### 1. [Non-Discrimination Ordinance](#)

**Request:** Presentation, discussion, and possible direction to staff regarding recommended elements appropriate for a Scottsdale non-discrimination ordinance that may be the basis for subsequent public outreach.

**Presenter(s):** Brent Stockwell, Assistant City Manager; Bruce Washburn, City Attorney

**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov); Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

**– Assistant City Manager Brent Stockwell and City Attorney Bruce Washburn presentation.**

**– Councilmembers offered the following suggestions and direction regarding six key elements that might be appropriate for a Scottsdale non-discrimination ordinance:**

➤ **Who is to be protected by the ordinance?**

- **Direction was given to use language consistent with existing Federal and State laws and that is consistent with the existing City of Scottsdale employment ordinance.**
- **Some Councilmembers suggested adding protections that are not covered by the City employment ordinance, such as marital, familial, and veterans' status.**

➤ **In banning discrimination in employment, what size employer is included?**

- **Direction was given to use language that is consistent with existing State law, covering only businesses with 15 or more employees, and focused on employers who are located in the City, with a Scottsdale address or City business license.**
- **Direction was given to exempt other government entities, such as the Federal, Tribal, and State governments; religious organizations, including ancillary activities conducted by religious organizations, e.g., book stores, day care, and schools; and bona fide membership clubs, other than a labor organization, e.g., tax exempt organizations and political parties.**
- **It was suggested that language should be added to exclude sole-proprietorship business and to deny exemptions for any organization that is created for the purpose of evading the non-discrimination ordinance.**

- What types of housing are covered?
  - Direction was given to use language that is parallel with existing Federal and State laws, including the Fair Housing Act.
  - Councilmembers offered suggestions to exclude rental of housing accommodations with owner-occupied residents in single-family residences and two-unit and four-unit housing.
- How is public accommodation to be defined?
  - Direction was given to use the following language to define public accommodation: “‘Place of Public Accommodation’ means facilities, establishments, accommodations, services, commodities, or goods offered to or for use by the general public, including public places where food or beverages are offered for sale, public places operated for temporary lodging, use or accommodation of those seeking health or recreation and all establishments and entities offering goods, services or facilities, and entities soliciting patronage from the general public. This does not include any dwelling, private club, or any place which is in its nature distinctly private or any religious organization.”
  - A Councilmember suggested adding language to provide an exemption for facilities used by employers with less than 15 employees, e.g., small business owners.
  - Staff will solicit input related to size of facilities for public accommodations during the public outreach process.
- How will the non-discrimination ordinance be enforced?
  - Direction was given to add language to provide for the following complaint-driven process: (1) Complaints to be filed with the City Manager’s Office; (2) the City Manager’s office will conduct an initial review (mechanical) of the complaint to ensure the complaint is timely filed, has been sworn to by the complainant, and that it is covered by the ordinance; (3) verified complaints will be referred to an independent investigator to determine the facts of the complaint; (4) the investigator will forward investigative findings to an independent mediator in an attempt to resolve the dispute; (5) if the dispute is not resolved through mediation, the mediator will forward findings to the City Attorney’s Office for review and a decision on whether to file charges; and (6) City Court would have authority to impose fines of up to \$2,500.
  - Three Councilmembers suggested taking verified complaints to mediation first, before an investigation is conducted.
  - A Councilmember suggested that civil remedies should include warnings and/or incremental fines.
  - A Councilmember suggested adding language that would impose sanctions against complainants who file a false or frivolous complaint.
- How will the individual rights and freedoms of all Scottsdale citizens, businesses, and organizations be protected?
  - Direction was given to use language that is consistent with First Amendment rights and existing Federal and State laws.
  - Some Councilmembers suggested adding language to guarantee religious and freedom of speech rights.

Councilmembers suggested having staff forward a list of deal points, a draft ordinance, and a public outreach plan to the Council for review. Any Councilmember that wishes to have further discussion on the draft documents or public outreach plan should notify the City Clerk. Upon the request of at least four Councilmembers, the draft documents will be agendaized for further discussion.

There was general direction to conduct public outreach on the deal points and draft ordinance, including soliciting public comments on the Internet, newspaper advertisements directing the public to places where the draft ordinance can be reviewed and commented on, and using staging areas in libraries for public review and comments.

**Adjournment – 9:01 P.M.**