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#### **CALL TO ORDER**

[Time: 00:00:00]

Mayor Lane: Good afternoon, everyone. I would like to call to order the November 17<sup>th</sup>, 2015, city council meeting. We will start with a roll call, please.

#### **ROLL CALL**

City Clerk City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor David Smith.

Vice Mayor Smith: Present.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

City Clerk Carolyn Jagger: Acting City Manager Brian Biesemeyer.

Acting City Manager Brian Biesemeyer: Here.

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

City Attorney Bruce Washburn: Here.

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

City Treasurer Jeff Nichols: Here.

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Carolyn Jagger: And the Clerk is present.

Mayor Lane: Thank you have. Some items of business. We do have cards if would you like to speak for public comment or any of the agenda items. We have cards, the white card that the city clerk is holding up over her head to my right, and we do have some yellow cards that are for written comments that will be read by us during the proceedings that you can also fill out on the agenda items. This evening we have Scottsdale police officers Dave Schurr and Jason Glenn here. If there are any medical emergencies, please see the Scottsdale fire officer. The area behind the council dais are for council only. There's rest rooms over here under this exit sign to my left for your convenience.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:27]

Mayor Lane: This afternoon, we have got this all arranged to be able to handle it in this spacing.

We do have the Girl Scout -- the Junior Girl Scout Troop 2317 with leaders Monica Archer and Lori Bagley. I think I see them right here, and in fact, if you would like to come forward and lead us in the Pledge of Allegiance, please. If you can, please stand. Any time you are ready.

Junior Girl Scout Troop 2317 I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

Mayor Lane: Thank you, ladies. I wonder if you would, please turn the microphone around and face the audience. One by one, if you could introduce yourself, maybe tell us where you go to school and what your favorite subject is.

Lexi: Hi. We are Girl Scout Troop 2317. We are very honored to be here. Thank you for this opportunity. My name is Lexi. I go to North Ranch Elementary School. I'm 10 years old in fifth grade and my favorite thing is acting.

Ariel: Hi my name is Ariel. I go to school at Arizona School for the Arts. I'm ten years old and my favorite thing to do is go to social studies.

Isabella: Hi, my name is Isabella. I go to North Ranch Elementary School. I'm in fifth grade and my favorite subject is writing.

Sara: Hi, my name is Sara. I'm 11 years old. I go to Sonoran Sky Elementary School. I'm in fifth grade and my favorite -- and I like to do dancing.

Leah: Hi, my name is Leah, and I'm ten years old in fifth grade. I go to North Ranch Elementary school and my favorite activity is playing soccer.

Caitlin: Hi, my name is Caitlin. My favorite thing to do is art. I go to North Ranch Elementary School and I'm in fifth grade.

Nicola: Hi, my name is Nicola and my favorite thing to do is horseback riding.

Carly: Hi, my name is Carly and my favorite subject is math.

Randy: Hi, my name is Randy and my favorite subject is math.

Waverly: Hi, my name is Waverly and I'm 11 years old in fifth grade and I love to do art.

Mayor Lane: Thank you, ladies. Thank you very much for that.

**INVOCATION**

[Time: 00:04:33]

Mayor Lane: This evening we have an invocation by Pastor Neil Montgomery from the Scottsdale Bible Church. Pastor?

Pastor Neil Montgomery: My name is Neil, I'm 48. I'm not in the -- Mr. Mayor, councilmembers, thank you for the opportunity to be here. Will you bow with me as we open our meeting in prayer this evening. Father, we thank you for this day. Thank you for the opportunity that we have to come before you, and we are grateful, grateful for our mayor. We are grateful for the councilmembers, for their service to the people of Scottsdale God, we pray that in this meeting that you would lead this meeting and guide the events on the agenda tonight. We pray that there be a spirit of unity and cooperation as we share as citizens of this wonderful town. Father, we pray that you give our leaders wisdom, that they would govern us with justice and humility, with the intent to represent the interests of all the peoples that are here. And God, we pray for those tonight who will come forward and they will speak, that you would give them clear minds and a joy to be part of their community, and give them the right words. I pray that words will be heard and understood and fairly considered tonight. So father we ask that you bless this meeting that the decisions made will benefit in tangible ways the people that our leaders serve. We thank you in your son's name. Amen.

Mayor Lane: Amen. Thank you, pastor. We have no -- I have no report this afternoon. And city manager, do we have any indication of a report from you?

#### **CITY MANAGER'S REPORT**

[Time: 00:06:13]

Acting City Manager Fritz Behring: Yes, I do. Mayor and council each year the city of Scottsdale partners with the Valley of the Sun United Way to make it easier for our employees to donate to social service organizations in our community. Our 2015 campaign just recently concluded and this year's -- this year employees pledged over \$108,000, up almost 11,000 from last year. Not only was giving up for the tenth year in a row, or the highest amount for the tenth year in a row, the number of employees giving is up as well and is the highest percentage in the last ten years as well. I think it speaks volumes about the heart and soul of this organization and our employees and I'm proud to be associated with such a giving group of employees. Thank you.

#### **PRESENTATIONS/INFORMATION UPDATES**

[Time: 007:07:03]

Mayor Lane: Thank you. I would like to invite -- we do have a Mr. Steven Conney to the podium. Is Mr. Conney here? Yes. This is in reference to congressional fire service's institute Masimo excellence award.

Masimo Regional Business Manager Steven Conney: Thanks for having me. The one thing I don't do is skydiving. So earlier this year, over 2,000 of the nation's fire officials, leading fire officials in this country traveled to Washington, D.C., to attend the 27<sup>th</sup> Annual National Fire and E.M.S. event. This

was most prestigious event for the American fire service. This year's keynote speaker was Vice President Joe Biden. One of the highlights of the program was the presentation of the C.F.S.I. Masimo Excellence Fire Service Award. This award recognizes fire departments across the nation for their outstanding work in the delivery of emergency medical services. The criteria is based on leadership, dedication, and commitment in delivering outstanding emergency medical care.

The Scottsdale Fire Department was one of only three departments from the U.S. to receive this award. Mayor, if I may, I would like to present this award to you, Chief Shannon, Chief Freeburg and Captain McDonald. Thank you very much.

Mayor Lane: Well, congratulations, really from the fire department and all the men and women who keep us safe and are frankly at work every day and serve the community. There is a great recognition. Thank you.

#### **PUBLIC COMMENT**

[Time:

Mayor Lane: Okay. We do have public comment is reserved for citizens comments regarding non-agendized items which no official action will be taken on these items. Speakers are limited to three minutes each with a maximum of five speakers and there will be another opportunity at the end of the meeting for the same. And we do have five requests to speak. And what you will do is you will come up to this podium here, there's a clock on the three-minute mark. We ask you to respect that and we'll start, with I think it is Daria Holman, or Holtman.

Daria Lohman: My name is Daria Lohman. I was fortunate, you know, in 2000, I was able to move from a high cost of living area to the gray area of Scottsdale and I very much enjoyed living here. And, you know, there have been some concerns about a few things but the basic thing is I'm very strongly in favor of our nondiscrimination ordinance. There's a lot of reasons for it, and I think that the city would be well to do that.

And, you know, I hear all kinds of fears that people have that, this has been going on around the country for quite a number of years now and these things aren't reality. The only thing that I think is really important to listen to, is how do people view Scottsdale not only from a lot of those different aspects but also how about the parent who has a child, because I'm also a member of PFLAG, parents, friends and lesbians, who are just faced with the fact that their son or daughter, oh, by the way, this is who I am and you will -- some parents have difficulty accepting some parents are accepting, or they are very fearful. They know in many areas, they can be denied public accommodations and fired from their jobs and the things go on. You know, as I say, there has something wrong with that kind of a picture, and here we have an opportunity to do something about that. And to also make it much easier for everybody to be -- for fully inclusive community. And so I think that we just have to go forward with becoming -- because that's been the history of this country since it began.

You know, how many people here know that when the original constitution was written that only

male -- white male property owners could vote. It took Andrew Jackson to extend it to everyone else. And as we go through our history. The history of our country is becoming a more and more inclusive society and as long as they behave, the common courtesy to others, they can still -- they can live and work and have their lives. And that's why I think it's important. Thank you.

Mayor Lane: Thank you, Ms. Lohman. I would ask -- this isn't -- unfortunately, this is not theater and we don't boo people and we don't also applaud. I do appreciate the sentiment. Thank you, Ms. Lohman. Next is Stanna Slater, Stanna Michele Slater.

[Time: 00:13:08]

Stanna Michele Slater: Good evening honorable mayor and city council. As you know, I'm Stanna Michele Slater and I have been a Scottsdale resident for 23 years, having built my home here in 1992. As you also know, I'm a bit different. The healthcare industry and those who care about me would say I'm transgender. Unfortunately, there are groups who would use far less terms, far less compassionate terms to describe me. During my 23 years as a Scottsdale resident, I strive to never be a burden on our city. And to the contrary, I have worked hard to be a productive contributor. Along these lines I have owned and operated a Scottsdale business, which is my law practice, known as the law office of Jeffrey Slater. I have paid my taxes to the city, and I have voted on our key issues to include helping to elect most of our city's current leaders who are presiding tonight.

Incidentally, I remain grateful to each of you for your diligent work and sacrifices on behalf of our city. In my efforts to be a productive contributor to society, I found a way to use even my transgender status to try to help others. Specific history, I serve on the board of directors of an Arizona nonprofit that helps at-risk valley youth who identify as gay or transgender. Many of these youth have been horribly mistreated. Some of them have had to drop out of school. Others are homeless. In many instances, chronic depression and suicide risk is prevalent. Our nonprofit offers these youth an opportunity to finish pursuing their diploma and even obtain housing.

One of my proudest achievements, however, is serving our state and our nation as a commissioned officer in the Arizona Army National Guard. In 1990, as our nation prepared for Desert Storm, I was directed to ready my artillery unit for war. As I prepared, I wondered if my colleagues and I would pay the ultimate sacrifice in Kuwait or Iraq. Never once, however, did I think that some Arizonans are worth dying for, while others are not. One of the greatest things about being American is that we let God decide who goes to heaven and who doesn't. Meanwhile, we fight to ensure that every American has the right to find God in that sacred place where only God can reach any of us, based on our own unique state of human frailty.

When the city started exploring the prospect of a nondiscrimination ordinance, the city's leaders were told by the opposition that there was no problem with discrimination in Scottsdale. Shortly thereafter, the city's leaders learned otherwise. The opposition since has begun making other arguments. These arguments are much like the original argument, lacking accuracy, and lacking compassion. As the city's leaders determine how to proceed, I ask that you consider the following three factors, the health and wellness of our city's youth, the reputation of our world-renowned city,

and the fact -- three, the fact that there's little downside to promoting acceptance and compassion. Thank you.

[Time: 01:16:57]

Mayor Lane: Thank you, Ms. Slater. Next is Kristen Longenecker.

Kristin Longenecker: Honorable mayor and council, my name is Reverend Dr. Kristen Longenecker and serve two churches here in the Scottsdale area, currently I'm the pastor of Via de Cristo United Methodist. My faith leads me to those who are widows, the sick, the oppressed the outcast, but I understand that my religious conviction, no matter how just it should, should not be the rule of a land based on self-evident truths that all men and I write myself into that as a woman, as a human being, are created equal. That they are endowed by their creator with certain unalienable rights. In other words, my belief system does not give me the right to discriminate who may hold a different faith or belief system. In fact, it should compel me to support the natural rights of others.

As an American, and as a Christian, it's important to me that Scottsdale move forward with a fully inclusive nondiscrimination ordinance, such an ordinance will provide equal protection for those who visit, live, worship and work in our city. A fully inclusive nondiscrimination ordinance will not force our institutions like our churches to do anything against their own beliefs. We are already protected by first amendment in the U.S. constitution and in Arizona law. What it will do is ensure that businesses that operate in the public square treat everyone equally, doing so benefits our city and our people. Today in Scottsdale, it is still legal to fire someone, deny them an apartment or service in a restaurant or otherwise discriminate against them because they are gay or transgender. I believe that as Americans, they deserve the right to be good citizens also. To be able to earn a living, and to provide for themselves and for their families.

And on that issue of bathrooms that I know has been swirling around, I believe that everyone should be able to go to the bathroom freely. But -- I know that there is debate about this and very serious. Many people fear that allowing transgender people into restrooms will cause problems. Now, I'm the mother of two young girls. I have had friends who are transgender, and who are gay my entire life. My children have the privilege to know many of them. In the United Methodist Church that I serve and in this conference that I serve of the desert southwest, we voted to allow transgender people to choose the bathroom that they feel most comfortable in when they are in our churches. That includes when they are here in Scottsdale. I have no problem with people from the transgender community going into the bathroom that I am in, or that my children are in.

Religion is too often used as a weapon in our world when our ideas become more important than people. When our beliefs become more important than basic compassion. My faith compels me to treat all people fairly, equally and with respect and I hope it compels the honorable mayor and council to do the same. Thank you so much.

[Time: 00:20:24]

Mayor Lane: Thank you, Ms. Longenecker. Next would be Bunny Hodas and combined under one card, Susan Frederick Gray.

Susan Frederick Gray: Thank you, honorable mayor and council, I'm the Reverend Susan Frederick Gray the minister of the Unitarian Universalist Congregation in Paradise Valley but over 130 members of our congregation are Scottsdale city residents including Bonnie Hodas, who is here with me today. We are here in support, strong support for the fully inclusive nondiscrimination ordinance. Our congregation for over 20 years has been fully inclusive and it's only made us healthier and stronger.

Today I specifically wanted to address the issue of religious freedom which we have heard about in this conversation. Religious freedom means that people have the right to gather into religious communities of their choice, according to their conscience without fear of persecution or punishment. It means the government cannot impose religious beliefs on the people, nor show a preference for any particular religion. It means that everyone has the right to follow their own conscience when it comes to religious matters. Individual congregations and entire denominations have the freedom to articulate the truth as they see it and to teach it to their children and to practice it in their congregation and certainly there's great diversity among religious traditions and this is good, as long as no one is coerced into following one way and no one is excluded or practicing a different way. This is what religious freedom is. We have religious freedom. Religious freedom is not under attack by this nondiscrimination ordinance.

When it comes to the public square and how we interact and treat one another in civic engagement, housing, business and employment, we have agreed as a nation that all people shall be treated equally under the law and the public square is not our religious text but our constitution that governs how we treat one another. As citizens our freedom always comes with responsibility, and that responsibility is to honor the differences between us, after all, our freedom, each of our freedoms arises out of a responsibility to guard the freedom of others. It is false to invoke religious freedom as an argument to allow individuals and businesses to discriminate or deny services to people in the public square based on their identity, for there's no protected right to discriminate in this country. In one's church, yes, you may discriminate and excommunicate those who do not follow your teaching.

We have a right to equal protection and I say this to make it clear that protecting religious freedom does not mean protecting a religious freedom to discriminate. Those are not the same things. May we not be the ones to allow the importance of religious freedom in this nation and this community to be sullied and meaning the right to discriminate. May we realize how precious the gift of freedom is and how it rests on guarding everyone's freedom. And a firmer commitment to inclusion and equality here in the city of Scottsdale for all of its residents, citizens and visitors.

[Time: 00:24:08]

Mayor Lane: Thank you, Reverend and Ms. Hodas. Next is Chris Harper.

Chris Harper: Mr. Mayor, members of the city council, thank you for allowing me time to speak with you tonight. My name is Chris Harper. I'm lead pastor of Scottsdale Worship Center and let me



begin by personally expressing our appreciation for your service to our city. You should know that our congregation prays for you and your familiar histories and, again, thank you for the work that you do.

I come before you tonight out of concern for a -- the negative consequences that a nondiscrimination ordinance could have on churches not just ours but the people who sit in the pews, the people who make up Scottsdale churches. Our church, we believe our religious beliefs direct every aspect of our lives. In our church, we teach that everyone is created in the image of God and that everyone is worthy of respect and love. The teachings of our church encourage our members to work with, to serve and to employ all people, including those who identify as gay, lesbian, and transgender.

But in the same -- in the limited situations where people from our church are asked to promote a message or participate in an event that conflicts with their core teachings, that's where we need to draw the line. So, for instance, a photographer from our church likely could not in good conscience create images telling the story of a same-sex wedding ceremony because that conflicts with what our church teaches as the true understanding of marriage, that being between a man and a woman for life. And yet the sort of law that the council is considering would compel a photographer to do just that, take, for example, the story of Elaine Huguenin and Elaine along with her husband lives in New Mexico and operated a private photography business in 2006, Elaine declined a request to photograph a same-sex commitment ceremony, due to the incompatibility that such a message would have with her sincerely held religious beliefs. And New Mexico happens to be a state that statewide prohibits discrimination on the basis of sexual orientation, something that this council is considering right now. As a result in 2008, the commission ruled against Elaine, fining her nearly \$7,000. In spite of numerous appeals trying to go allow a court to consider her case, Elaine ultimately lost last year and is now unable to operate her business according to her faith. This is certainly not the consequences we want for our businesses and residents but it is exactly what will happen, whether intentionally or unintentionally if the council moves forward on this type of law.

As a pastor, I'm also very aware of the situation that occurred in Houston last year, where five pastors were targeted for voicing their opposition to a law like. This stories show that these laws insight division and conflict. Scottsdale is a welcoming town with a robust loving and diverse faith community. I encourage, let's not make decisions that would interfere with our good beliefs. Let's focus on our unity and that which brings us to go. Again I respectfully present my comments, and I thank you again for your service.

Mayor Lane: Thank you, pastor. I would rather we would refrain, otherwise we will have disorder. I appreciate that. That does complete the requests to speak at this time, for the regular meeting, the public comment period.

## **MINUTES**

[Time: 00:28:05]

Mayor Lane: So we will move on with the rest of our business on the regular meeting. And the first

order of business beyond that is the minutes and I will seek a request to approve the work study session minutes of October 27<sup>th</sup>, 2015 or any comments that may be needed to be made, added, deleted or otherwise changed.

Councilwoman Milhaven: I move to approve the minutes.

Councilmember Korte: Second.

Mayor Lane: Motion is made and seconded. No further comments indicated. We are ready to vote. We will have to do this manually. I don't know. Everybody get ready. All those in favor please indicate by aye. Those opposed with a nay. It's unanimous. So thank you. We've got minutes accepted.

The next order of business is consent items 1 through 9, I have a request to speak on item 2.

**ITEM 2 – IN-PATIENT BUILDING – BANNER BEHAVIOR HEALTH CONDITIONAL USE PERMIT  
(17-UP-1979#2)**

Mayor Lane: Item 2 is inpatient building, banner behavioral health conditional use permit, 17-up-1797 number 2. It's to find that the conditional use permit criteria has been met and adopted. So we have Mr. Brett -- is it Familoe.

Brett Familoe: Familoe.

Mayor Lane: All right.

Brett Familoe: My name is Brett Familoe. I live 750 feet within the proposed development for the mental health facility that's going in. And I would just like to make a quick additional consideration. I would just like to request between six to ten trees go in on the east side of Miller road to help mitigate the appearance of the building that will be going in. And I would just like to make that request to help the privacy effect that I think our neighborhood deserves. So that's it.

Mayor Lane: Thank you, Mr. Familoe. All right. So that completes the comments with regard to our consent items. Any comments or questions by any members of the council? Yes, Councilwoman Littlefield?

Councilwoman Littlefield: I just wanted to ask on something like this, obviously, this particular building has gone through D.R. and planning commission, at this point in time, is there any way for this gentleman to take his request back to whoever he should take it back to, to ask that it be considered?

Mayor Lane: You know, that's -- since this is a comment on a particular item, it's up for staff to consider what the request was, if there is a -- an indication for the trees as he's indicated. We can -- they can consider this forward. I'm sorry. Who do we have there? Dan?

Senior Planner Dan Symer: Mayor, members of council, Dan Symer. Can I have the PowerPoint. The consideration is for -- to incorporate trees on the east side of Miller road, which is not on the property. We have the overall aerial. One more -- you might want to go to the bottom. Yes, that one right there is fine. The median, if you see where the yellow line is, after the -- east, Brian. Yes, Miller Road and right to the -- a little bit further to the east is where the median that they are requesting to the east more, Brian, please. And that's a frontage road median between Miller Road and the neighborhood to the east. Thank you. The request is for the trees in there. Ultimately it's up to the applicant to decide believe it or not they want to accept that stipulation. The consideration from staff is that it is not on their property. It is in the city right-of-way on the opposite side. There's no irrigation in this -- in that median. There are considerations for maintenance that would have to be incorporated also, and also liability and insurance. So the -- ultimately, it's up to the applicant if they wish to accept that type of stipulation but there are challenges, including visibility challenges on the location of those trees.

Mayor Lane: Thank you, Mr. Symer. Councilwoman, first, I suppose if you would like -- if you have a question or answer to that?

Councilwoman Littlefield: I wanted to know if there was a procedure that he could go to, to see if it could be considered or changed in some way, so that it could be done to better cover the area, and protect the neighborhood.

Senior Planner Dan Symer: Mayor, members of council, there is not.

Councilwoman Littlefield: Thank you.

Mayor Lane: Thank you. Thank you, councilwoman.

Councilmember Korte: Mayor?

Mayor Lane: Yes.

Councilmember Korte: I would like to make a motion.

Mayor Lane: Yes, please.

Councilmember Korte: To approve consent agenda items 1 through 9.

Councilwoman Milhaven: Second.

Mayor Lane: The motion has been made and seconded. Seeing that there's no further questions on that, I think we are ready to vote. All those in favor, please indicate by aye. Those opposed with a nay. It is unanimous acceptance of our consent items 1 through 9.

So if you happen to be here for any of those consent items, you can leave, and if you do so please do

so quietly.

**PUBLIC COMMENT**

[Time: 00:34:02]

Mayor Lane: All right. We do have, at this stage, another set of public comment cards. Now, these are public comment cards. So, again, the rules require that there is no action to be taken on any of these requests, as it is with anything other than those comments with regard to agenda items. So this is -- now the end of the meeting, the regular meeting, and we'll start with Neville Verster.

Neville Verster: Good evening. Thank you for the opportunity. I'm Neville Verster. I have owned an insurance agency for over 20 years with many of my clients, residents here in Scottsdale. During the many years that I was in the homes of my clients, I accumulated these clients from different gender expressions, never once did I inquire as to my client's sexual preferences, nor any comments about their lifestyle choices. My purpose with all of my clients was to serve them diligently. Affording them the respect and the dignity of a human being, most certainly never once in my career did I think it was even necessary or it would occur to me to refrain my services if they expressed themselves by declaration of lifestyle to be homosexual. To this very day, I still receive Christmas cards and greetings from my clients, many with the homosexual lifestyle. I'm thankful to them for the privilege of serving them as I believe they are for the services that I deliver to them.

Yet, let there be no mistake, if any of my clients requested them that I renounce my relationship with Jesus Christ and the spiritual tendency that I understand them to be revealed in the word of God and the Bible, be assured that no business transaction would occur. Fortunately no one asked that and I never demanded a lifestyle change from my clients. They surely could not advocate me to aggregate my deepest, core beliefs for these business service demands which were easily available elsewhere.

This has the teeth of government force that will be certain to be used and likely abused as we have seen on numerous occasions throughout the country, and particularly I'm astonished that there are speakers would claim that there's no hurt. That's simply not the truth. We know that there's a great deal of hurt. Families have been wiped out financially because they refuse to aggregate their beliefs. We know Scottsdale is a peace loving place. We have a decent community here, and people that are generous with each other. I do not see -- I see that this could wreck the havoc of the peace that now exists. Neighbors and formerly friends will be suspicious one another, plotting and developing defensive or offensive strategies. We can live and let live.

Let's not get swept up in the heated unsubstantiated rhetoric from the agendas that simply lack this grace. We actually do have the means to find an equitable solution here and it is being denied, for of the right to remedy. Much time and effort was in the unity pledge, which led many of us to believe in it and still do and every businessperson that I know will gladly participate and show good faith in this regard. Give it a chance that it richly deserves and many of us committed to, believes or nonbelievers homosexual or strait. It doesn't -- straight. It doesn't matter. Please vote this Draconian motion and let's reinstate, a reasonable rational approach that we had prior to the last

council meeting, which was the unity pledge. I thank you for your consideration.

[Time: 00:38:10]

Mayor Lane: Thank you, Mr. Verster. Grant -- grant -- I'm not sure that I can -- sarduk. No slight on your handwriting, but --

Grant Sardachek: No. The handwriting criticism is warranted. It's Grant Sardachek. Thank you mayor and council, I appreciate the opportunity to speak briefly to this point and appreciate the council's response to my emails over the last 48 hours. It was a healthy debate and dialogue and you really value that because it -- I know now that our government really does enact and work and respond to its citizens. Thank you for that.

So I have been a resident and businessman in the city of Scottsdale for over 20 years. I'm here today to touch on the question that has been responded to by numerous people here regarding the nondiscrimination ordinance and specifically to respond to the claim that passing such an ordinance, like other cities, continues to forge religious freedom protections because of existing applicable laws already enacted and operating at the state and the federal level and finally, I would like to point out a couple of things that I think are problematic with some of what's included in that ordinance. So as a long-time resident and businessman, it's my experience and observation that we are respectful and tolerant town. Arizonans value diversity, and Scottsdale does not have a discrimination problem that warrants overreaching government laws such as that which is being considered here. To put it simply, the ordinance is an answer to a problem that we do not substantially have. I would love to yield some time to the gentlemen before me because he was so eloquent.

In any event, I share those views with you. My views, the city council should safeguard constitutional freedoms and the reality in this -- in these types of laws undermine them. One of the council's highest priorities should be to guard our freedoms yet everywhere these laws have passed, freedom of speech, and freedom of religion and freedom of conscious no longer list. Look at the florist, the photographer, the T-shirt printer, all people who do not discriminate. Rather they are individuals that believe they can't promote messages or participate in events that violate their core religious beliefs and claims to Biblical truth, which I'm proud to say I am as well. And this brings me to the claim that passing one of these laws still affords protections for religious freedom because of laws that are already on the books, like the first amendment. I can't speak to the specifics of what laws are already in place but from my observation, and having had followed many of these individual owners in these cases and have lost their cases time and time again, clearly the laws that are in place are insufficient for or are interpreted as being insufficient to provide the necessary religious freedom protections. It's my view that this type of ordinance is dangerous. It's not helpful to the community at all. I think it's quite probable that it's discriminatory towards the very people who claim these truth claims, they have these beliefs they have, and I think that would be an egregious mistake. Thank you for your time. I really appreciate it.

[Time :

Mayor Lane: Thank you, Mr. Sardachek. Next is Jim O'Connor.

Jim O'Connor: Mr. Mayor, members of the council, my name is Jim O'Connor. I live at 8001 East Del Joya Drive in McCormick Ranch and have been enjoying retirement here in Scottsdale since the year 2000. In addition to being retired, I raised a child from age two and a half to soon to be 18, and voting in the next mayoral election and in the presidential election. I am the volunteer member of the Arizona Republican Party and have been elected to serve as chairman for the Republican Party for the city of Scottsdale, the town of Fountain Hills and the unincorporated area of Rio Verde.

Earlier this week, I sent an email to the city council. I hope that you all received it. I didn't put individual names because the website said, [citycouncil@scottsdale.gov](mailto:citycouncil@scottsdale.gov) would receive it. We held the regular general meeting, we the republican party, held the normal regular general meeting on Thursday of last week. We had more than the required quorum of attendees, and one of our members stepped forward to propose a vote on condemning the ordinance that you are considering. A vote was taken by asking those in favor to rise and stay standing until they were counted. The vote from your fellow Republicans was unanimous at that meeting and it was not forced. The LD legislative district, the Republican committee of Scottsdale Fountain Hills and Rio Verde finds this kind of ordinance to be in violation of the United States Constitution, 14<sup>th</sup> Amendment under the equal protection clause.

It is impossible for the gentleman on staff to be able to reconcile keeping most of the residents of the city of Scottsdale equal, but creating a class that is more than equal. I would love to be able to turn to government to help me every time in my almost 70 years that I have been offended or looked at the wrong way or discriminated against. Perhaps because I'm a pound or two overweight, I don't know, but I'm certain I have been offended more than I could even recall. I would ask again that as fellow Republicans and five of the members of this council, our elected precinct committeemen and elected to this board or council that you follow the admonition of your fellow Republicans who are asking you to say no to this ordinance. Thank you.

[Time: 00:45:07]

Mayor Lane: Thank you, Mr. O'Connor. Next is Kim Sullivan.

Kim Sullivan: My name is Kim Sullivan. I have lived in Scottsdale for over 50 years. I was born in Arizona. My husband and I have three great children, whom we have raised and educated here as well. Needless to say, we are very proud of Scottsdale, and feel very fortunate to have been able to call this lovely city our home for so many years. I watched this city develop and grow from a little one-horse town in the early '60s to a big and thriving, progressive city, renowned for its beautiful weather, wonderful quality of life, and great leadership.

I'm here today to urge you to show that great leadership once again and pass a nondiscrimination ordinance that reflects Scottsdale's values and protects all people, regardless of their sexual orientation or gender identity. In 2003 my husband and I learned that we have a gay son. At that time he was in high school and deeply steeped in the process of deciding which university he wanted

to go to. He had a scholarship -- he had scholarship offers from ten different universities and no idea where he wanted to go. But armed with this new knowledge about our son, we as parents, had even more than the usual worries that most parents have when sending their child off to college for the first time. We worried about the additional obstacles our son might face, that his brother and sister would not face. We worried about his safety and wellbeing because he was gay. We worried that he would not have the same rights and protections that everyone else took for granted. This new knowledge about our son did something else as well. It changed the criteria we used to choose the right university for him. First and foremost, we wanted an accepting, open minded and safe city where he could work and go to school without fear of discrimination or dismissal because of his sexual orientation. This eliminated a number of universities from his list. And make no mistake, we were not being overprotective parents by scrutinizing where our son would live. We would do what any family would do in deciding where to live.

This brings me to the 2015 strategic economic plan which puts a high priority high quality firms. Fulfilling those priorities will require that we keep up with other cities and states around the country. One-third of U.S. states and more than 90% of Fortune 500 companies already prohibit discrimination against gay and lesbian. And, in fact, many young people see these protections as a Litmus test when deciding where they want to work, live and shop which makes passing a nondiscrimination ordinance that protects all people regardless of the sexual orientation all the more important.

Mayor Lane: I ask that you wrap it up. Your time has expired.

Kim Sullivan: I volunteered with a nonprofit organization called PFLAG for the past seven years. It stands for Parents, Family and Friends of Lesbians and Gays. We provide support for all of these people. Through this organization, I have worked with and supported many people from the LGBT community. My life has been deeply enriched by this amazing experience and the many beautiful people I have met along the way. It hurts deeply to think of my wonderful city -- that my wonderful city would consider even not passing a nondiscrimination ordinance and it is even more devastating to think that my city would send a strong message to families like mine --

Mayor Lane: Ms. Sullivan, please wrap it up.

Kim Sullivan: And the dignity that everyone else enjoys. Thank you.

[Time: 00:49:54]

Mayor Lane: Thank you, Ms. Sullivan. Next is Benjie Messer.

Benjie Messer: Hello. Thanks for giving me a few minutes to speak. My name is Benjie Messer. I lived in Scottsdale for eight years and owned property and voted and run a small business and I also currently work as the music director at the Unitarian in Paradise Valley which Reverend Susan Frederick Gray is a member of. When I heard that people were speaking on this issue, I was glad to come represent. I will be very quick.

I would like to say that I don't think this ordinance is here because anyone has suggested that homophobia is more of an issue in Scottsdale than anywhere else. I think it's on the table because we don't have a federal nondiscrimination ordinance about sexual orientation and it's very clear that homophobia is an issue, and when there's not a federal nondiscrimination ordinance as there is for disability and religion and age and race and length of citizenship, then it sort of -- especially when it's on issue, when public opinion is shifting quickly. It's often cities and towns and states that make the change first. And many cities and towns and states have been doing that and I think it's a good idea.

In the areas of disability and religion and age and race, all of those federal nondiscrimination statutes have been found constitutional. All of them had divisive cases when they were first proposed, people fighting on both sides. And there's no question that protecting people from discrimination when there is pervasive discrimination is, you know, is upheld constitutionally. So that's what I have to say. I say that as a faith leader and Scottsdale resident. Thank you.

Mayor Lane: Thank you, Mr. Messer that completes the public comment for the latter part of the meeting. And, in fact, to the point that we are to the end of the meeting with the exception of the boards and commissions. So we have no petitions, I don't presume. And therefore, we will move it on to the boards and commission nominations and for that purpose, I turn it over to our Vice Mayor, Mr. Smith.

#### **BOARDS, COMMISSIONS AND TASK FORCE NOMINATIONS**

[Time: 00:52:25]

Vice Mayor Smith: Thank you, Mr. Mayor. This evening, the City Council will be nominating Scottsdale residents interested in serving on eight citizen advisory boards and commissions. The eight with vacancies are the Building Advisory Board of Appeals, Development Review Board, Environmental Quality Advisory Board, Historic Preservation Commission, Loss Trust Fund Board, Neighborhood Advisory Commission, Personnel Board, and the Tourism Development Commission. Those nominated tonight, will be interviewed at the City Council meeting on Tuesday, December 1st, 2015, and appointments will follow each set of interviews. So let's get started.

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

Vice Mayor Smith: The first appointments we look at are for 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. The board also recommends amendments to the code on a more permanent basis. The special qualifications for members of this board. This there are none that are specified in the city code, but the members appointed to the building advisory board of appeals should be qualified by experience and training to decide on matters pertaining to building construction.

Tonight, three members of the existing building advisory board of appeals are leaving. Jamie



Rothman's term expired September 26th. She is eligible for reappointment and has submitted an application. She is asking to be a nominee tonight. Raymond Texeira resigned October 5th, 2015. David Valencia's term expires December 8th, 2015, and is not eligible for reappointment. There are three vacancies and one applicant. The applicant is: Jamie Rothman. I will now entertain nominations for the Building Advisory Board of Appeals. Each Councilmember can nominate three applicants. Although we only have one applicant.

I'm going to start with you, Councilwoman Littlefield.

Councilwoman Littlefield: Thank you, Vice Mayor. I will nominate Jamie Rothman.

Vice Mayor Smith: Thank you very much. I think all the applicants have been nominated. Do you announce something from back here behind me?

Management Assistant to the Mayor Kelli Kuester: All you.

#### **DEVELOPMENT REVIEW BOARD**

[Time: 00:55:15]

Vice Mayor Smith: Okay. Consider it done. The next is the Development Review Board. We have one opening there. The purpose of the Development Review Board is to review and approve architectural design and layout of proposed development plans. This includes site planning and the relationship of the development to the surrounding environment and the community. Here there are special qualifications, specified in the Scottsdale city code. The membership consists of a City Council member, a Planning Commission member and five public members, three of whom shall be architects, environmental scientists, landscape architects or persons otherwise qualified by design background, training, or experience; and two of whom shall be land developers, builders, or contractors. The City Council member and Planning Commission member serve three-month revolving terms.

So on existing Development Review Board, Kevin Bollinger's term expires December 3rd. He represents a development position. He is eligible for reappointment and has submitted an application for reappointment. There is as I said one vacancy and three applicants. The applicants are: Kevin Bollinger, Doug Craig, Mitchell Davis. I will now entertain nominations for the Development Review Board. Each Councilmember can nominate one applicant. I will start with Councilwoman Milhaven.

Councilwoman Milhaven: Thank you, Mr. Bollinger.

Councilwoman Klapp: No further nominations.

Mayor Lane: No further nominations.

Councilmember Korte: No further nominations.

Vice Mayor Smith: No further nomination.

Councilman Phillips: No further nomination.

Councilwoman Littlefield: No further nomination.

Vice Mayor Smith: So Kevin Bollinger has been nominated for the Development Review Board.

**ENVIRONMENTAL QUALITY ADVISORY BOARD**

[Time: 00:57:00]

Vice Mayor Smith: The next board is the Environmental Quality Advisory Board. We have two openings. The Environmental Quality Advisory Board provides guidance on the prioritization of future environmental activities and recommends environmental policies to the City Council. There are some specifications in the Scottsdale city code that the membership of the Board shall reflect both scientific and non-scientific interest. As long as both scientific and non-scientific interests are represented, the code does not dictate a precise number of members with scientific vs. non-scientific backgrounds.

On the existing board, Alisa McMahon's term expires December 3rd. She is eligible for reappointment and has submitted an application. Larry Person's term expires December 3<sup>rd</sup> also. He is eligible for reappointment, however, has not submitted an application. So we have two vacancies and three applicants. The applicants are: Theodore "Ted" Geisler, Alisa McMahon, Aliza Sabin. I will now entertain nominations for the Environmental Quality Advisory Board. Each Councilmember can nominate two applicants. I will start with Councilwoman Klapp.

Councilwoman Klapp: Alisa McMahon and Ted Geisler.

Mayor Lane: No further nominations.

Vice Mayor Smith: No further nominations.

Councilmember Korte: No further nominations.

Councilman Phillips: Sabin.

Councilwoman Littlefield: No further.

Councilwoman Milhaven: That's it.

Vice Mayor Smith: All three have been nominated.

**HISTORIC PRESERVATION COMMISSION**

[Time: 00:58:40]

Vice Mayor Smith: Moving now to the Historic Preservation Commission. We have two openings. The Historic Preservation Commission coordinates local efforts to identify and protect significant historic and archeological resources. Again, as outlined in the Scottsdale city code, each member shall have demonstrated special interest, knowledge or experience in at least one of the following: Registered Architect, Real Estate Professional, Archaeologist, and Historian.

Two members of the current board have terms expiring. Timothy Burn's term expires October 14th. He is not eligible for reappointment. John Southard's term expires October 14th. He represents the historian position. He is eligible for reappointment and he has submitted an application for consideration. So, again, there are two openings and we have four applicants. The applicants are: Doug Craig, Cynthia Lee, Helen Siegel, John Southard. I will now entertain nominations for the Historic Preservation Commission. Each Councilmember can nominate two applicants. And I will start with you, Mayor.

Mayor Lane: Thank you, Vice Mayor. John Southard and Doug Craig.

Councilmember Korte: No further nominations.

Vice Mayor Smith: No further nominations.

Councilman Phillips: Siegel.

Councilwoman Littlefield: Cynthia Lee.

Vice Mayor Smith: All the --

Councilwoman Littlefield: And John Southard.

Vice Mayor Smith: All the applicants have been nominated. I think we can move along.

**LOSS TRUST FUND BOARD**

[Time: 01:00:17]

Vice Mayor Smith: The next one is the Loss Trust Fund Board. And as required by state statute, the Loss Trust Fund Board makes recommendations to the City Council regarding the administration of the lost trust fund. The trustees shall meet at least once a year and submit a report to the City Council regarding the status of the trust fund. The report shall also include recommendations the trustees deem necessary. The special qualifications are described in the Scottsdale city code and they are

that 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.

On the current board, James Tomlinson's term expired October 23rd. He did not submit an application for consideration. We have one vacancy and one applicant. The applicant is: Suzanne Welch. I will now entertain nominations for the Loss Trust Fund Board. Each Councilmember can nominate one applicant. I will start with you, Councilmember Korte.

Councilmember Korte: Thank you. I nominate Suzanne Welch.

Vice Mayor Smith: I think that moots everyone else's actions. We have one applicant and she's been nominated.

### **NEIGHBORHOOD ADVISORY COMMISSION**

[Time: 01:01:37]

Vice Mayor Smith: The Neighborhood Advisory Commission. We have one opening. The Neighborhood Advisory Commission consists of seven members who advise and make recommendations to the City Council on policies, plans, strategies and programs for the preservation, improvement and revitalization of Scottsdale's housing and neighborhoods. There are no special qualifications for this commission.

Redd Garrett, he's a current member. His term expires December 3<sup>rd</sup>. He is eligible for reappointment, however, he did not submit an application. There is one vacancy and three applicants. The applicants are: William Lichtsinn, Caroline Rossi, Kay Sperduti. I will now entertain nominations for the vacancy on the Neighborhood Advisory Commission. Each Councilmember can nominate one applicant.

I will start with myself in nominating Kay Sperduti.

Councilman Phillips: William Litchtsinn.

Councilwoman Littlefield: No additional.

Councilwoman Milhaven: No additional.

Councilwoman Klapp: Caroline Rossi.

Mayor Lane: No additional.

Vice Mayor Smith: I think that has -- we have nominated all of the applicants.

### **PERSONNEL BOARD**

[Time: 01:02:53]

Vice Mayor Smith: The next board is the Personnel Board for which we have one opening tonight. The Personnel Board hears appeals submitted by city employees relating to dismissal, demotion or suspensions, and this board then submits its recommendations to the City Manager. There are no special qualifications for this board.

We have one member, June Cohen, whose term expired October 13<sup>th</sup>. She is not eligible for reappointment. There is one vacancy and seven applicants. So our most popular board for applying. The applicants are: Gary Donahoe, William Lee II, Christopher McDermott, Terry Mika, Allen Reed, Jeffrey Skoglund, Hass Tebelmann. I will now entertain nominations for the Personnel Board. Each Councilmember can nominate one applicant. I will start with you Councilman Phillips.

Councilman Phillips: William Lee.

Councilwoman Littlefield: Allen Reed.

Councilwoman Milhaven: Jeffrey Skoglund.

Councilwoman Klapp: No further nominations.

Mayor Lane: No further nominations.

Councilmember Korte: No further nominations.

Vice Mayor Smith: And I have no further nominations. So the -- we skipped by, but if you were nominated, you know it.

### **TOURISM DEVELOPMENT COMMISSION**

[Time: 01:04:14]

Vice Mayor Smith: The Tourism Development Commission has one opening. It's also a popular board to apply for. The Tourism Development Commission advises the City Council on matters concerning the expenditure of revenues from the Transaction Privilege Tax on transient lodging, bed tax, designated for tourism development. There are special qualifications, described in the Scottsdale city code. The seven members of the Tourism Development Commission shall consist of representatives of the tourism industry in Scottsdale, including a minimum of four hoteliers, one member of The Scottsdale Convention and Visitors Bureau, and then the balance from other elements of tourism industry.

Ren Hirose's term expires December 3rd. He represents a hotelier position. He is eligible for reappointment and has submitted an application for consideration. So, again, there's one vacancy.

It must be a hotelier position and we have six applicants. Two of the six applicants Ren Hirose and Mitchell Davis qualify as a hotelier application. But all the applicants are: Trey Brennen, Mitchell Davis, Dee Ellsworth, Ren Hirose, Julie Kercher, Tatum Luoma. I will now entertain nominations for the Tourism Development Commission. Each Councilmember can nominate one applicant. I will again start with you, Councilwoman Littlefield.

Councilwoman Littlefield: Thank you. I will nominate Julie Kercher.

Councilwoman Milhaven: Ren Hirose.

Councilwoman Klapp: No further nominations.

Mayor Lane: No further nominations.

Councilmember Korte: No further nominations.

Vice Mayor Smith: And I have to further nominations.

Councilman Phillips: No further.

Vice Mayor Smith: Mr. Mayor, This concludes our nomination process this evening. City staff will contact those who were nominated and provide them with additional information about the interview process. 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. Now, I will turn the meeting back to you.

## **ADJOURNMENT**

[Time: 01:06:36]

Mayor Lane: Thank you, Vice Mayor. Nicely done. That does complete our business for our regular meeting. And so I would ask for a vote or a motion to adjourn, rather.

Councilwoman Littlefield: Motion to adjourn.

Council: Second.

Mayor Lane: Although in favor to adjourn. If you would like, we can take a small break or we can move right into -- oh, I got a nod of the head back there. I don't know. This may be -- if there's any call for it at all. Are you okay?

Councilwoman Littlefield: I'm okay.