

TOWN *Of* **PARADISE VALLEY**



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 24, 2015**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, September 24, 2015 at 4:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Paul Dembow
Council Member Jerry Bien-Willner
Council Member Mary Hamway
Council Member David Sherf
Council Member Maria Syms

Council Member Mark Stanton was not present

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Public Works Director/Town Engineer James P. Shano
Community Development Director Eva Cutro
Director of Administration and Government Affairs Dawn Marie Buckland
Lieutenant Michael Horn

2. STUDY SESSION ITEMS

Update on Police Technology

Chief Peter Wingert and Lieutenant Michael Horn updated the Town Council on police technology improvements. Lt. Horn reminded Council that in 2014 the Department upgraded the CAD/RMS system and in-car RADAR/LIDAR. They implemented Livescan, in-car video, MDCs, mobile LPRs, and field reporting. He stated that in 2015

the department implemented fixed LPRs and body worn cameras. He said the department' next priority is to make improvements to GIS mapping and implement Decision Support Systems as well as e-ticketing.

Sewer Operating and System Development Fee Funds

Director of Administration and Government Affairs Dawn Marie Buckland briefed Council on the sewer operating and system development fee funds. She explained that a decision made in FY 2013-14 to reimburse the General Fund for sewer operating expenses from the sewer fund created a structural deficit in the sewer fund. She said the Town would conduct rate study to determine adequate development fees and user fees to fund operating expenses, debt service, capacity and infrastructure expansion, regular maintenance, repair and replacement, and maintain a minimum fund balance.

3. EXECUTIVE SESSION

A motion was made by Council Member Hamway, seconded by Council Member Bien-Willner, to enter Executive Session at 5:07 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

15-185 Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.

15-186 Discussion and consultation with Town Representatives concerning the purchase of real property in the vicinity of the 7000 block of N Invergordon Rd as authorized by A.R.S. §38-431.03.A.7.

15-187 Discussion and consultation with Town Attorney regarding pending or contemplated litigation related to Szambelan Notice of Claim as authorized by A.R.S. §38-431.03.A.4.

15-194 Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding Notice of Claim filed by Storey Family Trust as authorized by A.R.S. §38-431.A.4.

15-188 The Town Council may go into executive session at one or more times during

the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.

4. BREAK

5. RECONVENE FOR REGULAR MEETING 6:00 PM

Mayor Collins reconvened the meeting at 6:05 p.m.

6. ROLL CALL

Present: 6 - Mayor Michael Collins, Vice Mayor Paul Dembow, Council Member Jerry Bien-Willner, Council Member Mary Hamway, Council Member David A. Sherf and Council Member Maria Syms

Absent: 1 - Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke

Town Attorney Andrew M. Miller

Town Clerk Duncan Miller

Police Chief Peter Wingert

Public Works Director/Town Engineer James P. Shano

Community Development Director Eva Cutro

Director of Administration and Government Affairs Dawn Marie Buckland

7. PLEDGE OF ALLEGIANCE*

State Representative Eric Meyer led the Pledge of Allegiance.

8. PRESENTATIONS*

15-192 Recognition of the Town's Legislative Delegation for their Support of Cities and Towns

Mayor Collins was joined by Dale Wiebusch, Legislative Associate with the League of Arizona Cities and Towns, to present a Proclamation to Representative Eric Meyer recognizing him as a Legislative Champion of cities and towns. Mayor Collins presented Representative Meyer with his mayoral challenge coin.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda. Vice Mayor Dembow removed item 15-183 for separate consideration.

A motion was made by Council Member Hamway, seconded by Council Member Syms, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

15-191 Minutes of Town Council Meeting September 10, 2015

15-180 Consideration of First Amendment to the Amended and Restated Development Agreement with MTS Land, LLC and other Mountain Shadows Parcel Owners

15-183 Authorization of Town participation in and administrative support for the Town of Paradise Valley Eleventh Annual Veteran's Appreciation Vintage Car Show to be held on Saturday, November 7, 2015.

Vice Mayor Dembow announced that the 11th annual Paradise Valley Veterans' Appreciation Vintage Car Show would be held on Saturday, November 7 at 8:30 a.m. in the Town Hall parking lot. There would also be a driving tour of the Town finishing at El Chorro for a no-host lunch. All proceeds from the event would benefit Arizona Veterans' organizations.

Andrew Miller recognized Diane Wayland from his office who provide the staff support to the car show.

A motion was made by Vice Mayor Dembow, seconded by Council Member Hamway, to authorize Town Participation in and Administrative Support for the Town of Paradise Valley Eleventh Annual Veterans' Appreciation Vintage Car Show. The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

15-177 Approve Appointments to Various Town Committees, Commissions, and Boards

A motion was made by Council Member Hamway, seconded by Council Member Sherf, to approve the following appointments to committees, commissions, and boards:

Paradise Valley Municipal Court

J. Tyrell Taber, Presiding Judge
John L. Auran, Associate Presiding Judge
Steven A. Cohen, Associate Judge
Jack Cunningham, Associate Judge
Charlene D. Jackson, Associate Judge
Stanley J. Marks, Associate Judge
Jeffrey R. Timbanard, Jr., Associate Judge
Terry A. Gould, Associate Judge

Arts Advisory Committee

Elaine "Bunny" Gordon
Mardelle Mikus

Board of Adjustment

Richard Chambliss
Catherine Kauffman

Hillside Building Committee

Scott Jarson

Historical Advisory Committee

Catherine Kauffman
Kathryn Gasser
Maureen Strom

Mummy Mountain Preserve Trust

Bernie Barry
Phil Schneider

Municipal Property Corporation

Robert Coulter
Alan Prince
Chris Thompson

Personnel Appeals Board

Richard Coulston
Richard Herold, Jr.

Deborah Corso

Planning Commission

Scott Moore
Daran Wastchak

Public Safety Personnel Retirement Board

Richard Fincher
Jameson Van Houten
John Lomax

The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

Following the appointment of the Municipal Court Judges and members of various committees, commissions, and boards, Mayor Collins administered the oath of office to the Presiding Judge and Associated Judges of the Municipal Court. Mayor Collins presented each judge with a mayoral challenge coin.

15-178 Consideration of “The Villas at Mountain Shadows II” Preliminary Plat (PP 15-02) Southwest Corner Lincoln Drive and 56th Street (Assessor No. 169-30-104/105)

Senior Planner Paul Michaud presented the preliminary plat for The Villas at Mountain Shadows II, a preliminary plat for 8-lots and 1 tract for resort residential at Mountain Shadows Resort. He stated that on June 16, 2015, the Planning Commission voted 7-0 to recommend approval of the plat, subject to 5 stipulations.

A motion was made by Council Member Bien-Willner, seconded by Council Member Sherf, to Approve the Preliminary Plat, "The Villas at Mountain Shadows II" (PP-15-02), subject to the following stipulations:

1. Final Plat be in substantial compliance with the Preliminary Plat
2. Final Plat shall include any and all necessary easements and/or tracts - For drainage consistent to overall grading/drainage plans, depicted prior to plat recordation and for utilities, with correspondence from said utility providers on final locations in process given to the Town prior to Planning Commission recommendation of the Final Plat
3. Prior Final Plat recordation, provide copy of the CC&R's for review
4. Final subdivision improvements - Shall be in substantial compliance with improvement plans (e.g. sewer, water, grading); Prior to plat recordation, Town receives

all assurances necessary to guarantee completion in public ROW; and Town Engineer shall approve final improvement plans prior to issuance of building permit for a residential unit

5. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars and plans in a pdf format

The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

15-176 Consideration of “The Villas at Mountain Shadows” Final Plat (FP 15-01) Southwest corner of Lincoln Drive and 56th Street (Assessor No. 169-30-103)

Mr. Michaud presented the The Villas at Mountain Shadows Final Plat, a 20-lot final plat for resort residential at Mountain Shadows Resort. He stated that on July 21, 2015, the Planning Commission voted 6-1 to recommend approval. He reported that the developer is obtaining an updated certificate of assured water supply. The Commission's recommendation was for approval subject to five stipulations.

A motion was made by Council Member Hamway, seconded by Council Member Sherf, to Approve the Final Plat, "The Villas at Mountain Shadows" (FP-15-01), subject to the following stipulations:

1. This subdivision shall be in substantial compliance with the Final Plat, The Villas at Mountain Shadows, Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated August 26, 2015.
2. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
3. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town

Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

4. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.

5. The Final Plat shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Plat.

The motion carried by the following vote:

Aye: 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Syms

Absent: 1 - Council Member Stanton

15-181 Acquisition of an Easement for the Public Safety Communications Antenna and Equipment

Mr. Burke withdrew this item from the agenda.

13. REQUESTS FOR FUTURE AGENDA ITEMS

15-189 Consideration of Requests for Future Agenda Items

Mr. Burke summarized the items on the future agenda list. There were no additions to the schedule.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke announced that the 56th Street dedication and Community Festival would be held on Saturday, September 26 from 7:00 a.m. to 10:00 a.m. He announced that Dr. John Nalbandian from the University of Kansas will meet with the Council on October 22 to follow up on the discussion from the Council retreat on high performing local governments.

Council Member Syms updated the Council on the Advisory Committee on Public Safety. She stated that the committee met on June 25 and August 20. Their focus has been on improving communications and community outreach. The next meeting will be held on October 1. She also announced that she went on a ride along with a police officer and encouraged other Council Members to do the same.

