



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, February 22, 2018**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, February 22, 2018 at 2:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Community Development Director Eva Cutro
Public Works Director Brent Skoglund
Financial Services Manager Doug Allen

2. STUDY SESSION ITEMS

3. EXECUTIVE SESSION

A motion was made by Council Member Stanton, seconded by Council Member Dembow, to go into executive session at 2:00 PM to discuss item 18-088. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Note: Minutes of Town Council meetings are prepared in accordance with the provisions of Arizona Revised Statutes. These minutes are intended to be an accurate reflection of action taken and direction given by the Town Council and are not verbatim transcripts. Video recordings of the meetings along with staff reports and presentations are available online and are on file in the Office of the Town Clerk.

18-088 **Discussion and consultation with the Town Attorney for legal advice regarding safety considerations related to hillside development as authorized by A.R.S. §38-431.03(A)(3).**

18-085 **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 items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

2. STUDY SESSION ITEMS

Mayor Collins reconvened the study session at 3:00 PM.

18-091 Interviews for Committee, Commission, and Board Appointments

The Mayor and Council interviewed the following applicants for positions on the Board of Adjustment, Planning Commission, and Advisory Committee on Public Safety: Catherine Kauffman, Pamela Georgelos, Eric Leibsohn, Emily Kile, Kathye Brown, Drew Smith, and Lowell Shonk.

Additional applicants will be interviewed on March 8, 2018 and appointments will be made on March 22, 2018.

18-089 Discussion of Policing Unruly Gatherings

Police Chief Peter Wingert presented a draft ordinance which would allow the Town to impose criminal penalties, civil fines, and administrative fees on unruly gathering participants and property owners. The Council discussed the ordinance and agreed to schedule it for a vote at the next meeting.

A motion was made by Council Member Moore, seconded by Council Member Stanton, to go into executive session at 5:30 PM for further discussion of 18-088. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

4. BREAK

Mayor Collins recessed the meeting at 6:05 PM.

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:10 PM.

6. ROLL CALL

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Community Development Director Eva Cutro
Public Works Director Brent Skoglund

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

There were no presentations.

9. CALL TO THE PUBLIC

Resident Barbara Wick expressed her love for the Town and commented on the Ritz-Carlton Development.

10. CONSENT AGENDA

Mr. Burke summarized the items on the Consent Agenda. Mayor Collins removed item 18-093 for separate discussion.

18-090 Minutes of Town Council Meeting February 8, 2018

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to approve the Consent Agenda with the exception of item 18-093. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

18-093 Adoption of Resolution 2018-05 Establishing a Cellular Service Task Force

Recommendation: Adopt Resolution 2018-05 creating a Cellular Service Task Force.

Mayor Collins and Vice Mayor Bien-Willner commented on the merits and goals of the task force.

A motion was made by Council Member Sherf, seconded by Council Member Moore, to Adopt Resolution 2018-05 creating a Cellular Service Task Force. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

18-064 Award of Contract to Dynamark Monitoring, Inc for Alarm Monitoring Services

Police Chief Peter Wingert presented a proposed contract with Dynamark Monitoring, Inc for Alarm monitoring services. He responded to question from the Council.

There were no public comments. **A motion was made by Council Member Moore, seconded by Council Member Sherf, to authorize the Town Manager to execute a contract with Dynamark Monitoring, Inc for services related to the Police Alarm Monitoring Program. The motion carried by the following vote:**

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

**18-094 Adoption of Resolution Number 2018-02; Mummy Mountain
 Preserve Trust Instrument Section Amendments**

Town Attorney Andrew Miller presented a resolution authorizing the Mummy Mountain Preserve Trust and Town Attorney to file an action in Superior Court to make the following six amends the Trust Instrument:

1. Change the name of the trust to the "Paradise Valley Mountain Preserve Trust";
2. Increase the members from five to seven;
3. Change the membership terms to end on April 1 instead of October 1;
4. Name the Town Council as "Trust Protector"
5. Add an article to the Trust Instrument that permits the Trust to take full advantage of any and all legal protections from potential claims related to environmental liability;
6. Allow Trustees to permit Mountain Trust Land to be used for the development of cell site infrastructure to assist public safety by improving cell phone coverage in town.

He noted that the Council requested the Trust consider and comment on the first three items. The Trustees met on November 8, 2017 and consented to the changes. Items four and five were suggested by the outside legal counsel who prepared the original Trust Instrument. Item six was included to clarify potential uses of Trust property, if authorized by the Board of Trustees.

The Council discussed the resolution. Concerns were raised about the last three items.

A motion was made by Council Member Pace, seconded by Council Member Moore, to adopt Resolution No. 2018-02 with the following amendments, delete items 4-6 and amend page 4 line 16 change to change "six" to "three". The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

13. FUTURE AGENDA ITEMS

Mr. Burke summarized the future agenda schedule. There were no requests to add items to the schedule.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Pace announced that the next Coffee with the Chief was scheduled for March 7. She encouraged everyone to contact the Police Department about scheduling a home security assessment.

Mayor Collins recessed the meeting at 7:10 PM

15. STUDY SESSION ITEMS CONTINUED

Mayor Collins reconvened the study session in the Boardroom at 7:18 PM.

18-092 Discussion Regarding Expectations of Dockless Bike Share Operations

Town Manager Kevin Burke briefed the Town Council on the recent arrival of bike sharing in the Town. The Council identified concerns and discussed desired outcomes. Among the Council's concerns were bikes left in the rights-of-way and use of Town resources to collect the bikes from around Town and delivering them to Town Hall.

Staff was directed to do the following:

1. Meet with industry officials to discuss concerns and seek solutions
2. Continue to collect bikes from the rights-of-way and track number and time spent
3. Store collected bike somewhere other than in front of Town Hall
4. Research best practices in other communities
5. Research if there are legal issues regarding operation of an unlicensed business in the Town's ROW
6. Draft policies to recover direct and indirect costs associated with managing bikes left on public property.

18-066 Discuss an Increase to the Budget for the APS District 30 Overhead to Underground Conversion and Associated Contract

Engineering Services Analyst Jeremy Knapp discussed APS Undergrounding District 30. He noted that District 30 is the last APS district to be undergrounded. The district is challenging because it includes Paradise Valley and Scottsdale residences. He explained that the Council previously gave direction to contact the Scottsdale residents about participating in the cost share to underground the lines within Scottsdale. Sufficient contributions were received and the trenching project was bid. Unfortunately, the bid was much greater than the engineer's estimate. He presented options to reduce the cost and transfer funds in order to proceed with the project.

The Town Council directed staff to investigate other options to further reduce costs including; separating out the Scottsdale portion, descope the project, contact CenturyLink and Cox about participating, or paying for the project over three years.

18-086 Legislative Update

Deputy Town Manager Dawn Marie Buckland briefed the Town Council on pending legislation impacting the Town. She reported on bills related to photo enforcement, home-based businesses, zoning restrictions for private schools, and regulation of real estate signs.

16. ADJOURN

A motion was made by Council Member Moore, seconded by Council Member Dembow, to adjourn. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins adjourned the meeting at 8:40 PM.

