

**TOWN**  
*of*  
**PARADISE VALLEY**



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**TOWN COUNCIL MEETING**  
**6401 E. LINCOLN DRIVE**  
**PARADISE VALLEY, ARIZONA 85253**  
**MINUTES**  
**Thursday, September 8, 2016**

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**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, September 8, 2016 at 4:05 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

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

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Director of Administration and Government Affairs Dawn Marie Buckland  
Community Development Director Eva Cutro  
Acting Public Works Director Brent Skoglund  
Senior Information Technology Analyst Robert Kornovich

**2. STUDY SESSION ITEMS**

**16-269 Discussion of Ordinance Number 2016-05 Amending the Terms of Office for Committees and Commissions**

Town Clerk Duncan Miller presented proposed amendments to Section 2-5 of the Town Code regarding committee, commission, and board terms of office. One of the consequences of the consolidated elections law and moving mayor and council elections from the spring to the fall was that the terms for committees no longer coincided with council terms. The purpose of Ordinance Number 2016-05 was to move the term start date for committees, commissions, and

boards from October 1 to April 1. This would allow the mayor and council to take office in January, hold a policy and goal retreat, conduct recruitment and interviews in March, and appoint committee members based on their ability to assist in meeting the council's policy goals. Furthermore, the ordinance extended the current terms of office for committee members six months.

There was Council consensus to schedule the ordinance for adoption at the next meeting.

### **16-251 Financial Reserve Policies**

Director of Administration and Government Affairs Dawn Marie Buckland reviewed the current financial reserves policy and discussed best practices and policy considerations for the Council to contemplate in determining if the policy should be amended. She stated that the current policy requires that operational fund balances be maintained between 90% and 110% of annual operating expenditures. However, the policy does not provide for any consequences if the 110% threshold is exceeded.

She discussed the impact of any changes to the reserve policy on the Town's AAA bond rating and the challenges associated with forecasting future revenue because of the volatility of the Town's revenue sources. She recommended that the Town establish a "true minimum" as well as a "target" amount and eliminate the maximum threshold. If reserves exceed the target amount then the Council should identify if the excess was for a specific purpose, such as capital projects, repair and replacement needs, police pension, or an opportunity to lower rates and fees.

She discussed the financial benefits of paying down the Town's Public Safety Personnel Retirement unfunded liability. She presented options to pay off the liability in 22 years, 10 years, and three years. If the liability was paid off in 3 years it would bring the reserves down to 58% of the annual operating budget. The fund could be replenished to 75% within 5 years.

There was discussion about the impact of paying down pension debt on the expenditure limit. It was suggested that this idea warranted more discussion and community outreach. Voters should have assurances that the proposed increase in the expenditure limit on the November ballot would allow the Town to pay down pension debt more quickly and save the Town money in the long run. There was also interest in further exploring the balance between revenue volatility and setting long term public policy funding priorities.

The Council requested additional estimates on paying down the police pension liability between five and ten years. It was also suggested that reserves over the target amount could be used to reduce or suspend for a year the fire fees residents pay to the Town.

Town Manager Burke stated that staff would conduct additional research and report back to Council in the near future.

**16-277 Discussion of Quality of Life Initiative – Trash**

Town Manager Kevin Burke presented a two-phase approach to addressing the Council's Quality of Life initiative regarding trash collection. He noted the overall goal was to reduce noise, vehicle trips, and impact on Town streets.

Phase one involved draft Ordinance 2016-05, amending to Section 8-3 of the Town Code to do the following:

- Requiring collection vehicles be 2010 or newer and not more than 7 years old going forward;
- Collection vehicles must have "operation-at-idle" technology and "smart back-up" alarm technology;
- Tighten-up container conditions;
- Enabling Contractors to apply for a waiver from the County to allow for once-a-week pickup of solid waste and recyclables; and,
- Restricts collections to just Tuesdays and Fridays.

Phase two involved a draft request for proposal to issue a license agreement to a signal solid waste and recyclable collection provider. The RFP included the following elements:

- Basic Service – Propose a cost for once a week solid waste and recyclable collection on the same day to further include quarterly bulk waste collection and annual Christmas tree curbside collection.
- Standard Service – Propose a cost for twice a week solid waste and once per week recyclable collection to further include quarterly bulk waste collection and annual Christmas tree curbside collection.
- Additional services – propose a cost and description for a menu of services that residents may purchase to customize their collection including additional containers, back door service, additional pick-up and waste diversion programs.
- Special Collection service – Include in the cost of service a bulk waste program, a household hazardous waste event, a document shredding event, a drug disposal event and a green waste program.
- Billing - Be responsible for all billing services.
- Customer Complaints - Propose a customer service/complaint response program.
- Contract Term – RFP proposes a five (5) year contract term with three one year renewals based in part upon customer satisfaction scores.

The Council requested the following additional information:

- Determine the street maintenance cost savings for the Town from limiting trash collection to one day a week
- Meet with the trash collection providers to get their feedback on how customer fees would be impacted by the limitation on once-per-week trash collection
- Determine what the impact of limiting collection days to Tuesdays and Fridays would be on trash collection providers

Regarding the draft RFP, the Council suggested the following:

- Include a provision to meet or beat customer's current price and/or services,

- The RFP should be structured to pre-qualify the bidders and then base award on cost
- The RFP should include a provision allowing the Town to reject all proposals
- The contract term should be no longer than three years

Council directed staff to meet with the service providers and report back to Council.

### **16-276 Review of Residential Parking Permit Ordinance #688**

Police Chief Peter Wingert stated that the Town Council adopted Ordinance Number 688, establishing a residential parking permit program, in June 2015. He said it was meant to be a pilot program for a particular neighborhood near Echo Canyon. He stated that no permits have been requested by residents near Echo Canyon, nor anywhere else in Town.

He stated that the Ordinance included a one-year review provision and an automatic sunset provision in two-years.

There was Council consensus to allow the ordinance to sunset on July 1, 2017.

### **16-284 Modifications to Unmanned Aerial Vehicle (“UAV” or “Drone”) Ordinance Due to the Change in State Law**

Town Attorney Andrew Miller presented amendments to Town Code Section 10-12, regarding the operation of UAVs in Town. The amendments are necessary to conform to SB1449 which was adopted by the Arizona Legislature in early 2016 and pre-empted the Town’s regulations. Proposed Ordinance 2016-06 eliminates Town Code provisions in conflict with state statute, it makes violations of federal or state law a Town Code violation, prohibits UAV use that interferes with a first responder, and prohibits take-offs and landings in the Mummy Mountain Preserve.

There was Council consensus to schedule the ordinance for a vote at the next meeting.

Town Attorney Andrew Miller presented amendments to Town Code Section 10-12, regarding the operation of UAVs in Town. The amendments are necessary to conform to SB1449 which was adopted by the Arizona Legislature in early 2016 and pre-empted the Town’s regulations. Proposed Ordinance 2016-06 eliminates Town Code provisions in conflict with state statute, it makes violations of federal or state law a Town Code violation, prohibits UAV use that interferes with a first responder, and prohibits take-offs and landings in the Mummy Mountain Preserve.

Mayor Collins recessed the meeting at 6:00 p.m.

### **3. EXECUTIVE SESSION**

**16-271 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.**

**No Reportable Action**

**4. BREAK**

**5. RECONVENE FOR REGULAR MEETING 6:00 PM**

Mayor Collins reconvened the meeting at 6:10 PM

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

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

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
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Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Acting Public Works Director Brent Skoglund  
Building Safety Manager/Fire Marshal Robert Lee

**7. PLEDGE OF ALLEGIANCE\***

Chief Wingert led the Pledge of Allegiance.

**8. PRESENTATIONS\***

**16-278 Arizona Association of Building Officials (AZBO) Building Official of the Year Robert Lee**

Arizona Association of Building Officials Chair Don Brown presented Building Safety Manager/Fire Marshal Robert Lee with the AZBO Building Official of the Year Award.

**16-256 Council Goal Update Presentation**

Mr. Burke provided an update on the status of the 13 goals the Town Council set for the 2015-2016 term. The Council expressed appreciation for the progress made in accomplishing the goals.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Mr. Burke summarized the items on the Consent Agenda. He withdrew item 16-272 regarding Resolution Number 2016-17; approving the Canvass of Election for the 2016 Primary Election because the final count was delayed by an injunction in the Congressional District 5 race.

**16-270      Minutes of Town Council Meeting June 9, 2016****16-264      Approval of Special Event Liquor License for Colleen's Dream Foundation**

**Recommendation:** Approve a Special Event Liquor License for Colleen's Dream

Foundation for a fundraising event on Saturday, September 24, 2016, at a private residence, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**16-265      Approval of Special Event Liquor License for Amanda Hope Rainbow Angels**

**Recommendation:** Approve a Special Event Liquor License for Amanda Hope Rainbow

Angels for a fundraising event on Saturday, October 1, 2016, at a private residence, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**16-266      Approval of Special Event Liquor License for the Make a Difference Foundation**

**Recommendation:** Approve a Special Event Liquor License for the Make a Difference

Foundation for a fundraising event on Sunday, September 18, 2016, at a private residence, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; any gaming activity must be conducted pursuant to Arizona Law; and Section 10-7 Control of Excess Noise be observed.

**16-267      Approval of Special Event Liquor License for Benchmark PTO**

**Recommendation:** Approve a Special Event Liquor License for Benchmark PTO for a fundraising event on Saturday, September 24, 2016, at a private residence, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; alcohol may not be raffled (auction/silent auction is permitted); and Section 10-7 Control of Excess Noise be observed.

**16-268      Approval of Modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the Town of Paradise Valley for Transaction Privilege Tax Administration**

**Recommendation:** Authorize the Town Manager to execute the modification to the IGA with the Arizona Department of Revenue for Transaction Privilege Tax Administration Services.

**16-288      Approval of Amendment to Town Engineer Contract with EPS**

**Recommendation:** Approve Amendment No. 1 to an Agreement to Provide Services/Supplies Pursuant to a Cooperative Purchasing Contract

**Council Member Hamway moved to adopt the Consent Agenda. Council Member Stanton seconded the motion which passed unanimously.**

**11. PUBLIC HEARINGS****16-275      Public Hearing and Presentation of Land Use Assumptions (LUA) and Infrastructure Improvement Plan (IIP) for consideration in the Town's study of wastewater impact fees**

**Recommendation:** Hold a public hearing on the Land Use Assumptions (LUA) and Infrastructure Improvement Plan (IIP) related to wastewater impact fees.

The Town's consultants, Pat Walker of Pat Walker and Associates and Kevin Burnett of Wildan, presented the Land Use Assumptions and Infrastructure Improvement Plan related to wastewater impact fees. Impact fees are one-time payments for infrastructure improvements. They are designed to allow growth to pay for its proportionate share of public infrastructure improvements. There must be a rational nexus between the amount of the fee and the cost to serve new development. Mr. Burnett reviewed the assumptions he used in developing the new fees. He presented the current and proposed fees.



Mayor Collins opened the public hearing. There were no public comments.  
Mayor Collins closed the public hearing.

Mayor Collins stated that the Land Use Assumptions and Infrastructure Improvement Plan would be scheduled for consideration and vote on October 13, 2016.

#### 14. ACTION ITEMS

##### **16-279 Adoption of Resolution Number 2016-16; Removal of 6622 N 40th St from Hillside Designation**

*Recommendation:* Adopt Resolution Number 2016-16.

Mr. Burke stated that the applicant was unable to attend the meeting and asked that this item be continued to a future meeting. Mr. Burke withdrew the item.

#### 15. FUTURE AGENDA ITEMS

##### **16-273 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized future agenda items. He stated that the September 22<sup>nd</sup> meeting would begin at 3:00 p.m.

There were no changes or additions to the list.

#### 16. MAYOR / COUNCIL / MANAGER COMMENTS

There were no reports.

#### 17. ADJOURN

Mayor Collins announced that the next meeting would be held on September 22, 2016 starting at 3:00 p.m.

**Council Member Hamway moved to adjourn. Vice Mayor seconded the motion which passed by the following vote:**

**Aye:** 7 - Mayor Collins, Vice Mayor Sherf, Council Member Bien-Willner, Council Member Dembow, Council Member Hamway, Council Member Stanton, and Council Member Syms

Mayor Collins adjourned the meeting at 6:55 p.m.



**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

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Duncan Miller, Town Clerk

STATE OF ARIZONA            )  
  :SS.  
COUNTY OF MARICOPA        )

**CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, September 8, 2016

I further certify that said Municipal Corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

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Duncan Miller, Town Clerk