

TOWN *of* **PARADISE VALLEY**



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARY MINUTES
Thursday, June 11, 2015**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, June 11, 2015 at 4:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Paul E. Dembow
Council Member Bien-Willner
Council Member Mary Hamway
Council Member David A. Sherf
Council Member Stanton
Council Member Syms arrived at 4:06 p.m.

ABSENT

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller

2. EXECUTIVE SESSION

**Motion – Council Member Hamway moved to enter executive session at 4:02 p.m.
Council Member Sherf seconded the motion.**

Passed For: 6; Against: 0; Abstain: 0; Absent: 1

- a. **Discussion of Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03.A.1.**
- b. **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.**

- c. **Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development and / or an intergovernmental agreement with the City of Scottsdale for annexation / de-annexation of property as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.**
- d. **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.**

3. STUDY SESSION ITEMS

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Acting Police Chief Michael Cole
Public Works Director/Town Engineer James P. Shano
Community Development Director Eva Cutro
Director of Administration and Government Affairs

- a. **Discussion of Proposed Ordinance Regarding Parking Permits in Designated No Parking Areas**

Mayor Collins convened the Study Session at 5:35 p.m.

Town Attorney Andrew Miller summarized the amendments made to Ordinance 688 since the last Council meeting. The Town Council directed the attorney to make further amendments to clarify the eligibility of areas to be designated "parking permit only". The Council also asked for a one-year review of the pilot program.

**Motion – Council Member Bien-Willner moved to enter executive session at 5:45 p.m. Council Member Stanton seconded the motion.
Passed For: 7; Against: 0; Abstain: 0; Absent: 0**

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:07 p.m.

6. ROLL CALL

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Paul E. Dembow
Council Member Bien-Willner
Council Member Mary Hamway
Council Member David A. Sherf
Council Member Stanton
Council Member Syms

ABSENT

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Acting Police Chief Michael Cole
Public Works Director/Town Engineer James P. Shano
Community Development Director Eva Cutro
Interim Finance Director Kent Brooksby
Director of Administration and Government Affairs Dawn Marie Buckland

7. PLEDGE OF ALLEGIANCE*

Representatives of the U.S. Army – Phoenix Recruiting Battalion, Captain Weaver and Sergeant Ely led the Pledge of Allegiance.

8. PRESENTATIONS*

a. Declaring United States Army Week in Paradise Valley

Recommendation: Declare June 14-20, 2015 United States Army Week in Paradise Valley.

Mayor Collins presented a proclamation to Phoenix Recruiting Battalion, Captain Weaver and Sergeant Ely declaring June 14-20, 2015 United States Army Week in Paradise Valley.

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 10h from consideration.

Motion - Council Member Sherf moved to approve the consent agenda, with the exception of item 10h. Vice Mayor Dembow seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- a. **Minutes of Town Council Meeting May 28, 2015**
- b. **Minutes of Town Council Meeting June 4, 2015**
- c. **Cancellation of June 25, 2015 Regular Town Council Meeting**
Recommendation: Cancel the June 25, 2015 Regular Council Meeting.
- d. **Approval of Purchase of Network Firewall Device**
Recommendation: Approve the purchase of a network firewall device in the amount of \$60,047.
- e. **Approval of Fiscal Year 2015-16 Property, Liability, and Excess Land Use Liability Insurance and Workers Compensation**
Recommendation: Approve Fiscal Year 2015-16 Property, Liability, and Excess Land Use Liability Insurance and Workers Compensation with the Arizona Municipal Risk Retention Pool
- f. **Approval of Intergovernmental Agreement with the Arizona Department of Revenue for Administration, Licensing, Collection, and Auditing of Transaction Privilege Tax and Other Taxes Levied by the Town**
Recommendation: Authorize the Mayor to execute an Intergovernmental Agreement between the Town of Paradise Valley and the Arizona Department of Revenue regarding the uniform administration, licensing, collection, and auditing of taxes imposed by the Town.
- g. **Award of Contract to Varsity Facility Services for Custodial Cleaning Services**
Authorize the Town Manager to execute a contract with Varsity Facility Services for custodial services in the amount of 68,774.
Staff Contact: James P. Shano Public Works Director/Town Engineer 480-348-3573
- h. **Approve the Purchase of a Vehicle for the Police Department**
Recommendation: Approve the purchase of a new vehicle for Chief Peter Wingert in an amount not to exceed \$29,468.

11. PUBLIC HEARINGS

a. Consideration of Allred's Hermosa Inn Series 11 Liquor License Application

Recommendation: Hold a public hearing and recommend approval of the Series 11 Liquor License application filed on behalf of Allred's Hermosa Inn

Town Clerk Duncan Miller presented a request for issuance of a new Series 11 (hotel) liquor license by Andrea Lewkowitz, agent for Allred's Hermosa Inn located at 5532 N Palo Cristi Rd

He said notice of the application was posted on the applicant's premises for 20 days in accordance with state law. The Town did not receive any arguments in support of or opposition to the application. There are no pending violations on file with the Arizona Department of Liquor Licenses and Control against the property. The Police Department and the Community Development Department have reviewed the application and found no reason to oppose it.

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

Mayor Collins closed the public hearing.

Motion - Council Member Jerry Bien-Willner moved to recommend approval of the Series 11 Liquor License application filed on behalf of Allred's Hermosa Inn. Vice Mayor Dembow seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

12. SPECIAL MEETING - PUBLIC HEARING

a. Consideration of Resolution Number 1334, Adopting the Final Budget for Fiscal Year 2015-2016 Budget

Recommendation: Adopt Resolution Number 1334.

In accordance with state statute, Mayor Collins recessed the regular meeting and convened a special meeting for consideration of the Fiscal Year 2015-2016 budget.

There was no discussion.

Mayor Collins opened the public hearing.

Resident Giselle Alexander suggested items to eliminate from the budget.

Mayor Collins closed the public hearing.

Motion - Council Member Syms moved to adopt Resolution Number 1334 with the following amendments:

Cut \$100,000 from the Town Manager's budget for professional services

Cut \$75,00 from the Town Attorney's budget for professional services

Cut \$12,110 from the Public Works Department for professional services related to street maintenance.

Cut \$30,500 from Public Works Department – streets

Cut \$45,000 from building department professional services – inspections

Cut \$4,200 from miscellaneous

Cut \$13,500 from the Finance Department for overtime

Cut \$20,700 from the NCAA funding contract

Cut \$16,500 from Mayor and Council recognition events

Cut \$80,500 from Public Works/Engineering professional services – receptionist

Cut \$302,280 from the Health Savings Account

Eliminate the following from the Capital Improvement budget:

Marquee signs at Lincoln Drive and Tatum Blvd

Replacement of asphalt sidewalks

Bicycle path study

Iconic visually significant corridors study

Reduce expenditure for flood control studies

And reconsider the \$8.5 million bond

Mayor Collins seconded the motion.

Failed For: 1; Against: 6; Abstain: 0; Absent: 0

Motion - Council Member Sherf moved to adopt Resolution Number 1334 as submitted.

Council Member Maria Stanton seconded the motion.

Council Member Syms moved to strike the Health Savings Account. The motion died for lack of a second.

Council Member Syms moved to strike the receptionist position. The motion died for lack of a second.

Mayor Collins called the previous question which was seconded by Vice Mayor Dembow.

Question: Passed For: 6; Against: 1 (Syms); Abstain: 0; Absent: 0

Final Adoption: Passed For: 6; Against: 1 (Syms); Abstain: 0; Absent: 0

- b. Adoption of Resolution Number 1335, Authorizing an Inter-fund Loan to Finance the Sewer Fund Debt Service Payment for Fiscal Year 2015-16

Recommendation: Adopt Resolution Number 1335.

Motion - Vice Mayor Dembow moved to adopt Resolution Number 1335. Council Member Jerry Bien-Willner seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

13. RECONVENE REGULAR MEETING

Mayor Collins reconvened the regular meeting.

14. ACTION ITEMS

- a. **Adoption of Ordinance Number 684, Clarifying that the Time Limits for Planning Commission Recommendations on Special Use Permits are to be set by the Council in its Statement of Direction; and Designation of the Community Development Director as the "Planning Agency"**
Recommendation: Adopt Ordinance Number 684.

Motion - Council Member Hamway moved to adopt Ordinance Number 684. Vice Mayor Dembow seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- b. **Approve the Statement of Direction for The Ritz-Carlton, Paradise Valley**

Recommendation: Approve the Statement of Direction for a Major Amendment to the Special Use Permit for Ritz-Carlton Paradise Valley, 7000 E Lincoln Drive.

Community Development Director Eva Cutro summarized the proposed Ritz Carlton development project submitted by Five Star Development and the draft Statement of Direction.

Attorney Jason Morris, representing Five Star, presented 4 suggested amendments or additions to the Statement of Direction.

Paradise Valley residents Len Gaby, Sam Khazen, Dorothy Smith, Paul Butzler, Rod Cullum, Gordon McGuire, and Scottsdale resident Sandra Wilken addressed the Council regarding the Ritz-Carlton project. Paul Bowers, Asim Hamid, and Mike Foley submitted written comments.

Motion - Vice Mayor Dembow moved to approve the Statement of Direction for a Major Amendment to the Special Use Permit for Ritz-Carlton Paradise Valley, 7000 E Lincoln Drive, with the following amendment to paragraph 3:

The Statement of Direction is not a final decision of the Town Council and does not create any vested rights to the approval of a Special Use Permit (SUP). Any applicant for a Special Use Permit shall not rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit. The Statement of Direction is created to brief the Planning Commission on areas of importance, provide general guidelines for ongoing planning discussions, but may be varied from as circumstances warrant throughout the Planning Commission Review.

Council Member Hamway seconded the motion.

Passed For: 5; Against: 2 (Stanton, Syms); Abstain: 0; Absent: 0

- c. **Award of Community Services Funding for Fiscal Year 2014-2015**

Recommendation: Authorize the Town Manager to execute funding agreements with the community services organizations listed in the Action Report in the total amount of \$40,000.

Town Clerk Miller presented recommendations from the Town Council's Community Services Funding Committee. The Committee was made up of Mayor Collins, Council Member Bien-Willner, Council Member Hamway, and Town Manager Kevin Burke.

Motion - Council Member Hamway moved to authorize the Town Manager to execute funding agreements with the following agencies and in the following amounts:

Central Arizona Shelter Services = \$25,000

Duet: Partners in Health and Aging = \$10,000

Scottsdale Prevention Institute = \$5,000

Council Member Mark Stanton seconded the motion.

Passed For: 6; Against: 1 (Syms); Abstain: 0; Absent: 0

- d. Adoption of Ordinance Number 683, Providing for Hillside Building Committee Membership Rotation and Selection of Chair**

Recommendation: Adopt Ordinance Number 683.

Motion - Council Member Jerry Bien-Willner moved to adopt Ordinance Number 683.

Council Member Mark Stanton seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- e. Adoption of Ordinance Number 685 Clarifying that Appeals to the Board of Adjustment are only Decisions of the Zoning Administrator**

Recommendation: Adopt Ordinance Number 685.

Motion - Council Member Hamway moved to adopt Ordinance Number 685.

Council Member Maria Syms seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- f. Adoption of Ordinance Number 686, Separating the Personnel Appeals Board and the Public Safety Personnel Retirement Board**

Recommendation: Adopt Ordinance Number 686.

Resident Dorothy Smith spoke in favor of Ordinance 686.

Motion - Vice Mayor Dembow moved to adopt Ordinance Number 686. Council Member Mark Stanton seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- g. Adoption of Ordinance Number 687, Changing the Finance Director Title to Director of Administration and Government Affairs**

Recommendation: Adopt Ordinance Number 687.

Mr. Burke introduced Dawn Marie Buckland who will serve as Director of Administration and Government Affairs.

Motion - Council Member Mark Stanton moved to adopt Ordinance Number 687.

Council Member Maria Syms seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- h. Adoption of Ordinance Number 688, Establishing Parking Permits for Designated No Parking Zones**

Recommendation: Adopt Ordinance Number 688.

Motion - Council Member Sherf moved to adopt Ordinance Number 688. Vice Mayor Dembow seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- i. Adoption of Ordinance Number 689, Adding Article 11-8, Pedestrian/Traffic Safety**

Recommendation: Adopt Ordinance Number 689.

Motion - Council Member Jerry Bien-Willner moved to adopt Ordinance Number 689. Vice Mayor Dembow seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- j. Adoption of Ordinance Number 690, Clarifying Property Owner Responsibility for the Sewer Connection between the Structure and the Main Line**

Recommendation: Adopt Ordinance Number 690.

Motion - Council Member Sherf moved to adopt Ordinance Number 690. Council Member Jerry Bien-Willner seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- k. Adoption of Ordinance Number 702, Clarifying the Penalties for Failure of Property Owners to Contract for Fire Services**

Recommendation: Adopt Ordinance Number 702.

Motion - Vice Mayor Dembow moved to adopt Ordinance Number 702. Council Member Hamway seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- l. Adoption of Resolution Number 1338, Authorizing and Directing that all or a Portion of a Parcel of Land be Acquired by the Town by Dedication, Donation, Purchase, Exchange or under the Power of Eminent Domain as a Matter of Public Necessity**

Recommendation: Adopt Resolution Number 1338.

Town Attorney Miller explained that the purpose of this resolution is to give the Town the authority to acquire by dedication, donation, purchase, exchange or under the power of eminent domain as a matter of public necessity Lot 12 of Paradise Highlands for construction of a public safety communications antennae and associated facilities.

Residents Dorothy Smith, Patrick Terranova, Rod Cullum, Barbara Terranova addressed the Council on this item. Robert Rasmussen submitted a written comment.

Attorney John Burrig and realtor Rusty Davis also addressed the Council.

Motion - Vice Mayor Dembow moved to adopt Resolution Number 1338. Council Member Sherf seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

- m. **Discussion and Possible Action to Approve Changes to the Town Attorney Employment Agreement**

Recommendation: Consider amendments to the Town Attorney's Employment Agreement.

Motion - Vice Mayor Dembow moved to table consideration of the Town Attorney Employment Agreement. Council Member Maria Syms seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

15. REQUESTS FOR FUTURE AGENDA ITEMS

- a. **Consideration of Request for Future Agenda Topics**

Council Member Syms asked for a discussion on when the Code Red notification system should be used.

16. MAYOR / COUNCIL / MANAGER COMMENTS

Public Works Director/Town Engineer James Shano announced that the Town of Paradise Valley received its 19th consecutive Tree City USA designation from the Arizona State Forestry and the National Arbor Day Association.

Motion - Vice Mayor Dembow moved to enter Executive Session at 8:24 p.m. Council Member Mark Stanton seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

17. ADJOURN

Motion - Vice Mayor Dembow moved to adjourn. Council Member Bien-Willner seconded the motion.

Passed For: 7; Against: 0; Abstain: 0; Absent: 0

Mayor Collins adjourned the meeting at 9:00 p.m.

