

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



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**TOWN COUNCIL MEETING**  
**6401 E. LINCOLN DRIVE**  
**PARADISE VALLEY, ARIZONA 85253**  
**MINUTES**  
**Thursday, September 22, 2016**

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

Mayor Collins called to order the Town Council Meeting for Thursday, September 22, 2016 at 3:00 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 attended by telephone conference call

**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  
Senior Planner Paul Michaud

**2. STUDY SESSION ITEMS**

**16-307      Presentation on the Zika Virus**

Craig Levy, Epizootologist, Office of Epidemiology, Maricopa County Department of Public Health, briefed the Town Council on the Zika virus including transmission, symptoms, diagnosis, risks, treatment, and how the County has responded. He offered suggestions on how residents could protect themselves from infection by eliminating mosquito breeding habitats and guarding against mosquito bites.

**16-309      Quality of Life - Short Term Vacation Rentals**

Vice Mayor Sherf explained that the increasing trend of short term vacation rentals was identified as an issue affecting the quality of life in Paradise Valley. He stated that the Arizona Legislature preempted local authority to prohibit this type of rental. He briefed Council on actions the Town could take to regulate rentals and mitigate the negative impacts. He stated that the state statute does allow municipalities to regulate short term rentals for events. He summarized the "Party House Protocol" developed by staff to guide police, code enforcement, and the prosecutor in addressing properties that are rented for events.

He also discussed the Town's process to identify rental properties using a service called Host Compliance and requiring those properties to obtain a business license and a tax license. As part of the licensing process, owners would be informed about the home occupation regulations, as well as, reminded about the challenges of property rental (i.e. insurance, illegal activity of renters, fire protection, and septic system capacity).

Mr. Burke stated that this was a briefing only and that no Council action was necessary. Staff would proceed as described.

**16-308      Quality of Life - Cell Service**

Mr. Burke stated that another Quality of Life initiative identified by the Mayor and Council concerned poor cell phone reception in Town. He stated that the firm Ghost Networks, a personal wireless service facility provider, approached the Town and offered both technical information and willingness to gather specific data regarding coverage and analyze it at no cost to the Town.

Robert Lopez, President and CEO of Ghost Networks, and Ryan Furginson, Director of Business Development, provided detailed information on current coverage for all carriers in Town, offered reasons why coverage was poor, identified holes in coverage, and suggested three locations where potential new towers would yield significant improvements in coverage.

Mr. Burke summarized the Town's current Personal Wireless Service Facilities (PWSF) section of the Town Zoning Code. He offered suggestions to amend the Code, especially in the area of spacing restrictions, to accommodate the construction of additional PWSFs.

**16-305      Discussion on PSPRS Unfunded Liability and Opportunities to Minimize Town's Total Cost**

Director of Administration and Government Affairs Dawn Marie Buckland presented various options to accelerate the payment in full of the \$18 million unfunded police pension liability and reduce future assessment charges. The Town is assessed an 8% annual fee on the liability. In FY 2017, the fee equaled more than \$1.3 million.

- Option A was to make minimum payments through 2036 and would incur \$10.2 million in assessments. The Town's reserves would be reduced to 97% of annual operating

funds.

- Option B was to make payments through 2026 and incur \$6.2 million in assessments. The Town's reserves would be reduced to 90%.
- Option C was to make payments through 2027 and incur \$6.1 million in assessments. The Town's reserves would be reduced to 85%.
- Option D was to pay off the liability in 3 years and incur \$2.3 million in assessments. The Town's reserves would be reduced to 48%.

Ms. Buckland stated that previously planned operating and capital projects were factored into the projections. However, each option was dependent upon voters approving the permanent base expenditure limit increase in November. She said the Town's reserve account would be replenished to 100% within five years of the final payment.

There was Council consensus to budget for Option D, the three year payoff. It was understood that these payments would be subject to annual budget appropriations. Moreover, Council directed that the minimum payment be made at the beginning of each year to take advantage of interest assessments. Excess payments would be paid monthly or quarterly so that the Council could direct staff to suspend future excess payments in the event that financial conditions changed.

The Council directed staff to formalize the Council's intent to accelerate payment on the liability by drafting a resolution for adoption at the next meeting.

**16-289            Discussion of a proposed lot split Mummy Mountain Park VIII 7808  
N Ironwood Drive**

Senior Planner Paul Michaud presented the Mummy Mountain Park VIII lot split located at 7808 N Ironwood Drive. He said the Planning Commission discussed the lot split on August 16 and September 6. The lot split was consistent with zoning requirements and no specific concerns were raised. The Planning Commission voted 7 – 0 to recommend approval.

Responding to questions from the Council regarding drainage and walls on the property, Mr. Michaud stated that all nonconforming walls would be removed; any remaining perimeter walls would be painted to match surrounding walls; and that the wall crossing the wash would be redesigned to better accommodate the water flow.

Vice Mayor Sherf recessed the meeting at 5:54 p.m.

### **3. EXECUTIVE SESSION**

**16-298 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.**

There was no executive session.

### **4. BREAK**

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

Vice Mayor Sherf reconvened the meeting at 6:05 PM

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

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 attended by telephone conference call

Mayor Michael Collins was not present

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
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  
Engineering Services Analyst Jeremy Knapp

**7. PLEDGE OF ALLEGIANCE\***

Collin Sherf led the Pledge of Allegiance.

**8. PRESENTATIONS\***

**16-304      Proclamation Declaring Dr. Eric Meyer a Legislative Champion of  
Cities and Towns**

Dale Wiebusch, Senior Legislative Associate with the League of Arizona Cities and Towns, presented Representative Eric Meyer with a proclamation declaring him a Legislative Champion of Cities and Towns for his work to support local decision-making.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Mr. Burke summarized the items on the Consent Agenda.

**16-300        Minutes of Town Council Meeting September 8, 2016**

**16-303        Appointments to the Mummy Mountain Preserve Trust and  
Municipal Property Corporation**

**Recommendation:** Appoint Joan Levinson to the Mummy Mountain Preserve Trust and Phil Edlund and Larry Fink to the Municipal Property Corporation

**16-297        Authorization of Town Participation in and Administrative Support  
for the Town of Paradise Valley Twelfth Annual Veterans'  
Appreciation Vintage Car Show**

**Recommendation:** Authorize Town participation in and administrative support for the Town of Paradise Valley Twelfth Annual Veteran's Appreciation Vintage Car Show to be held on Saturday, November 12, 2016.

**16-294        Award of Contract for the Removal of the Town's Wastewater Flow  
Metering Stations**

**Recommendation:** Authorize the Town Manager to execute a contract in the amount not to exceed \$125,943 with B&F Contracting for the removal of the town's wastewater flow metering stations.

**16-290        Approval of an Intergovernmental Agreement with the Maricopa  
County Sheriff's Office for Arizona Automated Fingerprint  
Identification System**

**Recommendation:** Authorize Mayor Collins to execute the AZ AFIS agreement.

Council Member Dembow asked to remove item 16-294.

Council Member Dembow moved to adopt the Consent Agenda with the exception of item 16-294. Council Member Stanton seconded the motion which passed unanimously.

**16-294      Award of Contract for the Removal of the Town's Wastewater Flow Metering Stations**

Council Member Dembow asked if it was necessary to remove the metering stations. Engineering Services Analyst Jeremy Knapp responded that the stations require routine maintenance and are inspected monthly to verify that there are no blockages. He said that by removing the metering stations the Town would eliminate the possibility of costly blockages in the sewer line.

**Council Member Dembow moved to approve item 16-294. Council Member Hamway seconded the motion which passed unanimously.**

**11. PUBLIC HEARINGS**

There were no public hearings.

**14. ACTION ITEMS**

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

Building Safety Manager Robert Lee presented proposed Resolution 2016-16, a request by property owner Brandon Dale to remove the hillside designation from his property located at 6622 N 40<sup>th</sup> St. He stated that the request was made in order to allow accessory structures to remain that were built on the property without permits and without Hillside Building Committee approval.

He stated that the Hillside Building Committee reviewed the request and voted 4 – 0 to recommend the re-designation based on the lot slope. However, there was much discussion and concern expressed by the Committee and the neighbors about the structures that had been built without permits. Of particular concern was a bridge built across a wash and a horse coral located within the 20-foot setback.

Mr. Lee clarified that if the property was no longer classified as "hillside", the structures could be allowed but might need to be relocated to accommodate setbacks and the wash. If it remained a hillside lot, those structures would not be permitted.

The Council questioned if the property owner committed, in writing, to obtain the proper permits and relocate accessory structures that do not currently meet setback requirements. Mr. Lee stated that the property owner agreed, but not in writing.

Council discussed continuing consideration of the resolution until the applicant could provide more information and a written commitment to cure the violations.

A motion was made by Council Member Bien-Willner, seconded by Council Member Hamway, to continue Resolution Number 2016-16 until such time as the applicant provides a written commitment to obtain the necessary building permits and relocate structures that do not meet setback requirements. The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Sherf  
Council Member Bien-Willner  
Council Member Dembow  
Council Member Hamway  
Council Member Stanton  
Council Member Syms

**Absent:** 1 - Mayor Collins

**16-301      Adoption of Ordinance Number 2016-05; Amending Town Code  
Section 2-5 Committees and Commissions**

Town Clerk Duncan Miller explained that Ordinance Number 2016-05 was discussed at the Council Study Session on September 8, 2016. The proposed ordinance provided a mechanism to extend the terms of office for most committees, commissions, and boards six months, from October 1 to April 1. The purpose of the change was to allow committee terms to coincide with mayor and council terms which were moved from June to January by state law.

There were no questions or discussion.

A motion was made by Council Member Stanton, seconded by Council Member Hamway, to Adopt Ordinance Number 2016-05 The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Sherf  
Council Member Bien-Willner  
Council Member Dembow  
Council Member Hamway  
Council Member Stanton  
Council Member Syms

**Absent:** 1 - Mayor Collins

**16-312      Adoption of Ordinance Number 2016-06; Modifications to  
Unmanned Aerial Vehicle ("UAV" or "Drone") Ordinance Due to the  
Change in State Law**

Town Attorney Andrew Miller stated that proposed Ordinance 2016-06 was discussed at the Council Study Session on September 8. The ordinance amends the Town Code to be in conformance with SB 1449 which preempted most of the Town's regulations. It also adopts new provisions prohibiting UAV take-offs and landings in the Mummy Mountain Preserve.

There were no questions or discussion.

A motion was made by Council Member Hamway, seconded by Council Member Stanton, to Adopt Ordinance Number 2016-06 The motion carried by the following vote:

**Aye:** 6 - Vice Mayor Sherf  
Council Member Bien-Willner  
Council Member Dembow  
Council Member Hamway  
Council Member Stanton  
Council Member Syms

**Absent:** 1 - Mayor Collins

## 15. FUTURE AGENDA ITEMS

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

Mr. Burke summarized future agenda items.

There were no changes or additions to the list.

## 16. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke announced that Director of Administration and Government Affairs Dawn Marie Buckland recently received her Lean Six Sigma Green Belt Certification from the George Washington University Center for Excellence in Public Leadership.

Acting Public Works Director Brent Skoglund reported that the storm event earlier in the day did not cause any major damage. One lane on Lincoln Drive at 52<sup>nd</sup> Place was closed for three hours and there was rock and debris on some roadways that was being cleaned.

Vice Mayor Sherf and Council Member Hamway reported that they attended an event hosted by Experience Scottsdale which is the re-branding of the Scottsdale Convention and Visitors Bureau. Experience Scottsdale developed an entirely new marketing campaign to promote the resort and hospitality industry.

Council Member Dembow announced that the Veterans Car Show would be held on Saturday, November 12, 2016 at 8:30 AM.

Council Member Stanton recognized Town Clerk Duncan Miller for his work on the 2016 Primary Election.

## 17. ADJOURN

Vice Mayor Sherf announced that the next meeting would be held on October 13, 2016 starting at 4:00 p.m.

