

TOWN
of
PARADISE VALLEY



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, October 27, 2016

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, October 27, 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

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
Building Safety Manager/Fire Marshal Robert Lee
Planner George Burton

2. STUDY SESSION ITEMS

16-350 Discussion of Proposed Noise Code Amendments, Ordinance 2016-10

Building Safety Manager/Fire Marshal presented proposed amendments to the noise provisions of the Town Code related to construction noise and leaf blowers. He said the current provisions, which are located in different sections, would be combined into Chapter 8 and the decibel standards would be changed to more realistic levels. The start times for landscape and maintenance equipment was changed from sunrise to 7:00 AM Monday through Friday and 9:00 AM on Saturdays and Sundays.

The Planning Commission voted 7-0 to forward the ordinance to the Town Council with a recommendation for approval.

The Council requested a demonstration of decibel reader measurements of a leaf blower and a sound system at the hearing. There was Council consensus to schedule the ordinance for a vote at the next meeting.

16-352 Discussion of Camelback Lands 5 Lot Split (LS-16-6) 5111 N. Wilkinson Road

Planner George Burton presented a request by BPMVVEM LLC to divide a 2.25-acre parcel located at 5111 N. Wilkinson Road into two lots.

The Planning Commission reviewed the application and voted to recommend approval subject to two stipulations:

1. The lot split plat must be recorded with the Maricopa County Recorder's Office, in full compliance with the survey plat prepared by Graham Surveying & Engineering, Inc. and dated September 21, 2016.
2. Prior to the issuance of a Certificate of Occupancy for a new single-family residence, the fire sprinkler system shall demonstrate compliance to the National Fire Protection Association standard 13D or the current equivalent code requirement.

The Council discussed the fire-flow requirements and how the properties would meet the standards. The Council requested the following:

1. Reconfirm with the surveyor that both properties would meet the "165-foot circle test".
2. Add a stipulation requiring the property owner to acknowledge the low fire flow
3. Clarify which planning and zoning actions require neighborhood notice and the radius of the notice.

16-333 Discussion of Phoenix Sewer Rate Concerns for Paradise Valley Residents

Town Manager Kevin Burke briefed the Town Council on concerns raised by Paradise Valley residents whose properties are served by the City of Phoenix sewer system. He said those residents served by Phoenix are charged significantly more than Phoenix residents because of an out-of-city surcharge. He said the residents oppose the methodology used to calculate sewer fees based on water usage.

Paradise Valley resident and Chair of Fair Phoenix Sewer Fees, Gary Edens, addressed the Council. He provided background information and underscored his group's complaint that Phoenix sewer fees are not based on discharge into the sewers but rather based on water usage. He said this is a particular concern when most water usage is for outdoor landscaping and swimming pools which do not enter the sewer system. He requested the Council's assistance in finding a solution.

Mr. Burke offered the following options:

- I. Landscape Meter – Residents purchase a second meter to measure indoor water consumption versus outdoor water consumption.
 - a. Pros – Is available today. Requires no regulatory changes. Best approximation of sewer flows. No cost to the Town.
 - b. Cons – Costs the resident to purchase the second meter. Costs the resident to segregate the indoor plumbing from the outdoor plumbing. Does not satisfy those customers who believe sewer should be calculated upon a per occupant or per fixture structure.
- II. 50% Surcharge – Negotiate with City of Phoenix to reduce the surcharge or sponsor a bill in the State Legislature to amend the statute to include sewer rates.
 - a. Pros – Has been done before. No cost to the Town or resident. Provides a sizeable rate decrease.
 - b. Cons – May not succeed. Will take some time (approximately 6 months to a year) to determine if successful or not. Does not solve the irrigation consumption concern in the rate structure.
- III. Purchase Phoenix Collection System -
 - a. Pro – Provides the Town greater control over sewer rates for its residents. Could possibly blend with the Scottsdale accounts for a single, better financed enterprise.
 - b. Cons – Will require time and money to determine the condition of the collection system, its value and long term financial requirements to maintain and operate. Would count against the State imposed expenditure limit and was not calculated into permanent base adjustment request in the latest election. Town would need to contract with Phoenix, Scottsdale or hire its own staff to maintain the system.

There was Council consensus not to consider purchasing the Phoenix collection system. The Council directed staff to begin negotiations with the City of Phoenix, at the staff level, to find a way to reduce the surcharge and/or suggest other structural changes like a fee cap or an appeal process in which volume charges over a certain amount shifts the burden of proof from the customer to the City of Phoenix.

Mr. Burke stated that he would report back to Council within approximately six months.

16-33 1 Review of Proposed Amendments to Town Code on Sanitation

Mr. Burke stated that at the September 8th meeting, staff presented options to amend the Town Code regarding trash collection to improve the quality of life in Paradise Valley. The Council directed staff to meet with the licensed trash collection providers to obtain their feedback.

He reported that he met with the haulers on September 16. Their main concern was with the provision to require all vehicles with diesel engines be 2010 models or newer. The haulers also requested that the effective date be delayed to allow them to purchase equipment, re-allocate

staffing, and notify customers. The other provisions regarding collection days did not generate concern.

He said the Council had requested staff to determine the financial impact of the ordinance changes on residents. According feedback from the haulers, if residents switch from twice per week to once per week collection, it is likely their bills would be reduced. However, there may be some financial impact if the hauler must upgrade their vehicle fleet.

There was Council consensus to amend the vehicle fleet provision to require that vehicles must be no older than seven years of age and extend the effective date of that provision to May 1, 2017.

16-349 Discussion of Building Code Amendments Ordinance 2016-11

Mr. Lee explained that the purpose of the Ordinance Number 2016-11 was to renumber certain sections of the Building Code to conform to the recently adopted 2015 International Codes. In the new Codes, some provisions were deleted or renumbered. In consequence, those references in the Town Code must be updated to match the International Code Sections.

3. EXECUTIVE SESSION

A motion was made by Council Member Hamway, seconded by Council Member Bien-Willner, to go into executive session at 5:33 PM. The motion carried by the following vote:

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

16-325 Discussions or consultations with Town representatives to consider the Council's position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property in the vicinity of the 6400 block of E Fanfol Drive pursuant to ARS §38-431.03(A)(7).

16-324 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 reconvened the meeting at 6:05 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 attended by telephone conference call

STAFF MEMBERS PRESENT

Town Manager Kevin Burke

Town Attorney Andrew Miller

Town Clerk Duncan Miller

Police Chief Peter Wingert

Community Development Director Eva Cutro

Acting Public Works Director Brent Skoglund

Director of Administration and Government Affairs Dawn Marie Buckland

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

16-351

Proclamation of Appreciation for Representative Kate Brophy McGee's Service and Faithful Representation of Cities and Towns

Dale Wiebusch, Senior Legislative Associate with the League of Arizona Cities and Towns, presented Representative Kate Brophy McGee with a certificate of appreciation for her representation of cities and towns. Mayor Collins presented her with a proclamation from the Town recognizing her for her assistance at the legislature in the past with issues important to the Town.

16-334

Presentation of the Citizen Satisfaction Survey Results

Mr. Burke presented the results of the National Citizen Survey that the Town commissioned in the spring. The scientific survey compared Paradise Valley with cities around Arizona and the

nation. According to the results, Paradise Valley received a 97% rating for overall quality of life; ranking the Town number 1 in Arizona and number 2 in the nation.

The Council asked that a summary of the results be included in the next Town Reporter and shared with the newspapers.

9. CALL TO THE PUBLIC

Resident Geoffrey Edmunds requested that the Council schedule the Villas at Cheney Estates private road gate Special Use Permit Statement of Direction for a vote at the next meeting.

Resident Dorothy Smith expressed appreciation to Public Works Department employees Brent Skoglund and Jerry Cooper and Police Chief Peter Wingert and Officer Kevin Albert for their exceptional service to the Town and its residents.

10. CONSENT AGENDA

Mr. Burke summarized the items on the Consent Agenda.

Council Member Dembow removed items 16-329 and 16-354.

A motion was made by Vice Mayor Sherf, seconded by Council Member Hamway, to approve the Consent Agenda with the exception of items 16-329 and 16-354. The motion carried by the following vote:

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

16-326 Minutes of Town Council Special Meeting September 19, 2016

16-327 Minutes of Town Council Meeting September 22, 2016

16-355 Minutes of Town Council Meeting October 13, 2016

16-329 Acceptance of Governor's Office of Highway Safety Grants

Recommendation:Authorize the Town Manager to sign three Governor's Office of Highway Safety grants.

16-328 Purchase of TASER Devices for the Police Department

Recommendation: Authorize to the Chief of Police to sign the agreement for the purchase of 34 TASER electronic control devices, and recommend transfer of contingency funds to cover the expenditure.

16-356 Approval of Law Enforcement Data Sharing Agreement

Recommendation: Authorize to the Town Manager to sign the agreement with Maricopa County to allow for law enforcement data sharing.

16-314 Consideration of a proposed lot split Mummy Mountain Park VIII 7808 N Ironwood Drive

Recommendation: Approve the proposed Mummy Mountain Park VIII lot split, subject to the stipulations in the Action Report.

16-354 Award of Contract for Visually Significant Corridors Master Plan

Recommendation: Authorize the Town Manager to execute a contract with Environmental Planning Group, LLC in an amount not to exceed \$152,383.60 to develop a Visually Significant Corridors Master Plan for the Town. The not-to-exceed amount includes a \$10,000 contingency.

16-335 Award of Contract for a Space Needs Assessment

Recommendation: Authorize the Town Manager to execute a contract in an amount not to exceed \$79,272.00 with Corgan Architecture and Interior Design for a Space Needs Assessment.

16-329 Acceptance of Governor's Office of Highway Safety Grants

Responding to a question from Council Member Dembow regarding the grant application to purchase a police motorcycle, Chief Wingert explained his reasoning for the request and how the motorcycle would be used.

A motion was made by Vice Mayor Sherf, seconded by Council Member Hamway, to authorize the Town Manager to sign three Governor's Office of Highway Safety grants. The motion carried by the following vote:

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

16-354 Award of Contract for Visually Significant Corridors Master Plan

Community Development Director Eva Cutro presented the proposal to award a contract to Environmental Planning Group to develop a Visually Significant Corridors Master Plan. Visually significant corridors were identified in the General Plan. Developing a master plan was included as a Council goal for this term and budgeted in Fiscal Year 2016-17.

A motion was made by Council Member Stanton, seconded by Council Member Hamway, to authorize the Town Manager to execute a contract with Environmental Planning Group, LLC in an amount not to exceed \$152,383.60 to develop a Visually Significant Corridors Master Plan for the Town. The not-to-exceed amount includes a \$10,000 contingency. The motion carried by the following vote:

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

11. PUBLIC HEARINGS

There were no public hearings.

14. ACTION ITEMS**16-358 Receive Public Comment and Take Action on Proposed Amendments to Town Code Section 8-3 Sanitation**

Mr. Burke presented Ordinance Number 2016-12. He reminded the Council that the goals of the proposed changes in the Town Code were to:

- Reduce Frequency of Trucks (safety)
- Reduce Wear & Tear on Streets
- Reduce Days of the Week Bins on the Street
- Reduce Noise
- Reduce Rate
- Improve Environmental Sustainability

He summarized the proposed amendments:

- Allow once a week pick-up but can still have twice a week pick up
- Limit trash pick-up to 2 days per week in neighborhood
- Hours of pick up 6 a.m. to 6 p.m.
- Require vehicles no older than 7 years, with an effective date of May 1 2017
- Require noise reducing technology
- Better containers if necessary

- Take effect February 1, 2017

Staff recommended changing the effective date of the vehicle requirement to July 1, 2017 because licenses are issued on a fiscal year (July 1) basis. As part of the application process, haulers provide information on the vehicle fleet and it would be efficient to require and review that information once rather than twice in two months.

Mayor Collins opened the meeting for public comment.

Christopher Picciano, representing Area Disposal, requested that the Town provide a variance from the vehicle fleet requirement for alternative fuel.

The Council asked staff to research if the provision requiring diesel engines to be seven years or newer applied to vehicles which use alternative fuels like compressed natural gas or biodiesel. If the ordinance as written does disqualify older vehicles using alternative fuels, staff was asked to bring back amendments to the ordinance to create an exception prior to the effective date.

Resident Daran Wastchak recommended changing the wording in Section 8-3-7 regarding the County health waiver for once per week collection. Instead of giving haulers the option, the provision should read "shall" make an application for the waiver.

Resident Dorothy Smith encouraged the Council not to vote on the ordinance until after a community conversation was held to discuss the final ordinance. She was concerned about the impact the ordinance would have on residents whose collection days would be changed and the concentration of trucks on the streets on fewer days.

Resident Jeff Andrews spoke in favor of the ordinance as a good step in meeting the Town's goals.

A motion was made by Vice Mayor Sherf, seconded by Mayor Collins, to adopt Ordinance Number 2016-12 with the following amendments: the effective date in Section 8-3-6(A)(5) was changed to July 1, 2017; and Section 8-3-7 was changed to read "Contractor shall make application to appropriate state and/or Maricopa County agency for a waiver of twice weekly collection..."The motion carried by the following vote:

- Aye:** 4 - Mayor Collins
Vice Mayor Sherf
Council Member Bien-Willner
Council Member Stanton
- Nay:** 3 - Council Member Dembow
Council Member Hamway
Council Member Syms

15. FUTURE AGENDA ITEMS

16-273 Consideration of Requests for Future Agenda Items

Mr. Burke summarized future agenda items.

There was Council discussion about moving the “Jarvis Property” (a.k.a The Villas at Cheney Estates) private road gate special use permit statement of direction from November 17 to November 3 and rescheduling the property maintenance ordinance to November 17. The schedule was not changed and a vote was not taken.

16. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Dembow announced that the annual vintage car show would be held on Saturday, November 12 from 8:30 AM to 12:00 in the Town Hall parking lot.

17. ADJOURN

A motion was made by Council Member Hamway, seconded by Council Member Bien-Willner, to adjourn. The motion carried by the following vote:

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

Mayor Collins announced that the next meeting would be held on November 3, 2016 starting at 3:30 p.m.

Mayor Collins adjourned the meeting at 7:43 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

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, October 27, 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.

Duncan Miller, Town Clerk