



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, December 15, 2016

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, December 15, 2016 at 4:00 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 Maria Syms

COUNCIL MEMBERS NOT PRESENT

Council Member Mary Hamway
Council Member Mark Stanton

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
Public Works Director Brent Skoglund
Senior Planner Paul Michaud

2. STUDY SESSION ITEMS

16-452 Planning, Engineering, and Fire Prevention Fee Update

Director of Administration and Government Affairs Dawn Marie Buckland briefed Council on the history and purpose of planning, engineering, and fire prevention fees charged by the Town and the methodology staff and its consultants would use to update the fees. She stated that the proposed fees would be presented to Council on January 26th, the Council would take action on the fees March 23, and they would become effective on May 1.

Council requested staff to consider a fee methodology that derives from an average construction value instead of relying on applicants to provide a value. The Council asked staff to include reimbursable fees to assess applicants for third-party reviews of technical reports.

16-460 **Discussion of a Major General Plan Amendment on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Rd**

Senior Planner Paul Michaud presented an application by Doug Jorden, P.C. on behalf of Town Triangle, L.L.C. for a Major General Plan Amendment to change the land use designation from “Low Density Residential” to “Medium Density Residential” on a 4.4 acre-property located at the northwest corner of the Northern Ave alignment and Scottsdale Road. The intention was to develop eight single-family residential lots. The Planning Commission was simultaneously considering five additional applications to amend the zoning code, rezone the property, a conditional use permit for private roads, a special use permit for a private gate, and a preliminary plat for eight lots. He reported that, at the applicant’s request, the Planning Commission voted on December 6 to continue the associated applications and voted 4 to 0 to recommend denial of the General Plan Amendment application. Since Arizona law requires the Town to conduct a hearing on General Plan amendments in the same year they are submitted, this action would permit the applicant to continue the request at a future date.

The Council discussed the applicant’s need to obtain a letter of flood map revision through the Federal Emergency Management Agency because portions of the property on in a flood plain and flood way. In the time since the last FEMA FIRM map was released construction of a bridge in the vicinity by the City of Scottsdale and the dumping of fill dirt on the property have changed the property’s drainage.

The Council requested staff to investigate when the fill dirt was added to the property and if it was permitted.

There was Council consensus to put a deadline on the General Plan Amendment application continuance. Moreover, if the applicant does decide to proceed with the application, staff was directed to re-advertise the public hearings.

16-465 **Discussion of the 2017 Legislative Agenda**

Ms. Buckland presented the revised 2017 Legislative Agenda based on direction from the Council at the December 1st meeting.

The Council discussed changing the tone of the “Guiding Principles” to be less adversarial and rather focus on concepts that both the legislature and the town would agree on such as allowing towns to preserve what is unique about them. There was consensus to eliminate the “Guiding Principles” and rework the opening section to be an introductory paragraph highlighting the Town’s reputation as a beacon of limited government and exceptional resort properties which benefit tourist destinations state-wide. There was further consensus to only include the following main bullet points under the “Current Issues and Interests” section:

- Transaction Privilege Tax (TPT) Construction Sales Tax at job site
- Zoning/Preservation of Quality of Life
- Pension Reform
- Rights of Way Use
- Public Safety/Smart Technology
- State Shared Revenues

Mayor Collins recessed the meeting at 5:39 PM.

3. EXECUTIVE SESSION

16-418 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 6:00 PM

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 Maria Syms

COUNCIL MEMBERS NOT PRESENT

Council Member Mark Stanton

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
Public Works Director Brent Skoglund
Senior Planner Paul Michaud
Public Works Supervisor Jerry Cooper

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

**16-446 Presentation of Paradise Valley Vintage Car Show Proceeds to the
Sentinels of Freedom and the Military Assistance Mission**

Paradise Valley Veterans' Appreciation Car Show Committee Co-Chairs Ed Winkler and Ron Clarke, Council Liaison Paul Dembow, and Legal Support Specialist Diane Wayland presented proceeds from the event to Sergeant Ulises Lopez, representing the Sentinels of Freedom, and Monique Quinones, representing the Military Assistance Mission. A total of \$9,992 was raised and distributed equally to the two organizations benefitting Arizona Veterans.

**16-463 Recognition of Council Member Mary Hamway and Vice Mayor
Dave Sherf**

Mayor Collins recognized Council Member Mary Hamway and Vice Mayor Dave Sherf for their service on the Town Council and presented them with gifts.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Mr. Burke summarized the Consent Agenda.

16-455 Minutes of Town Council Special Meeting November 28, 2016

16-445 Minutes of Town Council Special Meeting December 1, 2016

A motion was made by Vice Mayor Sherf, seconded by Council Member Bien-Willner, to approve the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Council Member Stanton

11. PUBLIC HEARINGS

16-461 Consideration of a Major General Plan Amendment on a 4.4-acre property located at the northwest corner of the Northern Avenue alignment and Scottsdale Rd

Senior Planner Paul Michaud presented an application by Doug Jordan, P.C. on behalf of Town Triangle, L.L.C. for a Major General Plan Amendment to change the land use designation from "Low Density Residential" to "Medium Density Residential" on a 4.4 acre-property located at the northwest corner of the Northern Ave alignment and Scottsdale Road. He stated that the applicant is currently considering other development options and requested a continuance at the Planning Commission. He stated that Arizona Law requires the Town to hold a hearing on general plan applications in the same year in which they are filed, which is the reason why the Planning Commission voted on December 6 to recommend denial and forwarded the application to the Town Council.

Mayor Collins opened the public hearing.

Residents Carol Adams, Dorothy Smith, Larry Nilsen spoke in opposition to the General Plan Amendment. They urged the Council to preserve the one house per acre zoning.

Phoenix resident Jo Pulvermacher spoke in opposition to the application.

The Council discussed continuing the application to a date certain.

A motion was made by Vice Mayor Sherf, seconded by Council Member Hamway, to continue the General Plan amendment application GP-16-01 to date not later than April 13, 2017 and, if not first withdrawn by the applicant, the following must first occur: 1) the application shall be sent back to the Planning Commission for further review and comment prior to the Council taking the application up again; and 2) the applicant shall advertise and send notice by mail of the new Council hearing date, said notice to be in the same manner as for the Council hearing on 12/15/16. The motion carried by the following vote:

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

Absent: 1 - Council Member Stanton

12. ACTION ITEMS

16-415 Implement the FY2016-17 Pavement Management Program by awarding contracts to M.R. Tanner in the amount of \$847,016.00 and Sunland Asphalt in the amount of \$656,037.00

Public Works Supervisor Jerry Cooper presented the Fiscal Year 2016-2017 Pavement Management Program which included maintenance districts 1, 3, and 9, and Palo Cristi Rd between Lincoln Dr and Stanford Dr. He discussed the timeline and the procurement and process to select M.R. Tanner for the mill and overlay and Sunland Asphalt for the application of crack seal and high density mineral bond.

Responding to a question from Council, Mr. Cooper explained the process and long-term expectations for crack sealing and high density mineral bond applications. He also confirmed that because the Town did not have success with doing partial mill and overlays, the Town now does full street mill and overlays.

A motion was made by Council Member Hamway, seconded by Vice Mayor Sherf, to award the following contracts to: M.R. Tanner in the amount of \$847,016.00 for a full mill and 1 1/2 asphalt overlay on selected streets in Maintenance District 3 & Palo Cristi Rd. Sunland Asphalt in the amount of \$656,037.00 to apply crack seal a high density mineral bond (PMM) surface treatments to selected streets in Maintenance Districts 1, 3 & 9. The motion carried by the following vote:

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

Absent: 1 - Council Member Stanton

Council Member Syms departed the meeting.

16-454 Contract Award for 2017 Intergovernmental and Legislative Services

Ms. Buckland presented the proposed contract to HighGround, Inc for intergovernmental and Legislative Services. She explained the procurement process and the scope of services.

A motion was made by Council Member Dembow, seconded by Council Member Hamway, to approve annual contract with HighGround in the amount of \$36,000 annually for 2017 Legislative Services with up to four one-year renewals The motion carried by the following vote:

Aye: 5 - Mayor Collins
Vice Mayor Sherf
Council Member Bien-Willner
Council Member Dembow
Council Member Hamway

Absent: 2 - Council Member Stanton
Council Member Syms

16-453 Adoption of Resolution 2016-26 Approving the 2017 Legislative Agenda

Ms. Buckland presented the 2017 Legislative Agenda with the revisions discussed during the Study Session. There was Council discussion that the opening paragraph was not to be taken as a policy statement but rather an introductory statement to the Town's legislative delegation.

A motion was made by Mayor Collins, seconded by Council Member Bien-Willner, to adopt Resolution 2016-26 approving the 2017 Legislative Agenda for the Town of Paradise Valley, with the following amendment: delete sub bullets under "Current Issues and Interests". The motion carried by the following vote:

Aye: 5 - Mayor Collins
Vice Mayor Sherf
Council Member Bien-Willner
Council Member Dembow
Council Member Hamway

Absent: 2 - Council Member Stanton
Council Member Syms

16-456 Approval of Statement of Direction for Phoenix Country Day School Intermediate SUP Amendment

Council Member Syms rejoined the meeting.

Community Development Director Eva Cutro presented the proposed Statement of Direction for the Phoenix Country Day School Intermediate Special Use Permit for replacement of the existing administration building at the northern part of the campus along Stanford Drive. The building would be a single story, 27 feet in height with an architectural spire at a maximum height of 35 feet. She said the application met all SUP Guidelines for height, number of stories, and setbacks.

Attorney Jordan Rose spoke on behalf of Phoenix Country Day School.

There was Council discussion regarding the first bullet point of the Statement of Direction regarding the height of the proposed 35 foot spire.

A motion was made by Vice Mayor Sherf, seconded by Council Member Hamway, to approve the Statement of Direction for an Intermediate SUP Amendment for Phoenix Country Day School, 3901 E. Stanford Drive with the following amendment to sub-bullet point 1: Lighting, landscape buffers, screening of mechanical equipment, signage and height of the new administration building. Currently the building is proposed at 27 feet. Planning Commission shall review the height in light of the use and whether 27' the appropriate height for this one-story office building. Any architectural features greater than 27' shall be evaluated by the commission for appropriateness to the overall design. The motion carried by the following vote:

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

Absent: 1 - Council Member Stanton

16-447 Adoption of Ordinance Number 2016-16 and Resolution Number 2016-24 Repealing and Replacing Town Code Section 2-7 Financial Disclosures for Elected Officials

Town Clerk Duncan Miller presented Ordinance Number 2016-16 and Resolution 2016-24 amending Section 2-7 of the Town Code and adopting financial disclosure requirements for elected officials.

He stated that during the 2016 legislative session, H.B. 2429 amended the financial disclosure statement requirement for all candidates and public officers. In consequence, Article 2-7 of the Town Code had to be amended to remain in compliance with state law.

There are three noteworthy changes:

1. The law no longer requires the specific names of the public officer's spouse or children. Rather they may be identified as "Spouse" and "Minor Child 1, Minor Child 2". Moreover, public officers may list either a home address or work address on the report.
2. A category was added that requires reporting of certain official business-related travel expenses of \$1,000 or more, which when reported, are exempt as a "gift" under the law. The law also clarifies that political campaign-related travel expenses are not considered "gifts" as they are publicly reported in candidate campaign finance reports.
3. The Secretary of State must provide the option for public officers to complete and file Financial Disclosure Statements electronically. In the short term, a pdf fillable form has been created for public officers to complete and sign electronically. Furthermore, the forms no longer have to be notarized and may be submitted by email.

He explained that since the effective date of the state statute was December 31, 2016 it was necessary to adopt Ordinance 2016-16 with an emergency clause so it would take effect immediately.

Responding to a question from Council, Mr. Miller stated that the new forms developed by the Secretary of State were available and would be distributed to Council Members soon. The filing deadline for the 2016 report was January 31, 2017.

A motion was made by Council Member Syms, seconded by Vice Mayor Sherf, to declare an emergency and adopt Ordinance 2016-16 and Resolution Number 2016-24. The motion carried by the following vote:

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

Absent: 1 - Council Member Stanton

13. FUTURE AGENDA ITEMS

16-443 Consideration of Requests for Future Agenda Items

Town Manager Kevin Burke summarized the future agenda schedule.

There was no discussion and no additions to the schedule.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke announced that he appointed Brent Skoglund to the position of Director of Public Works. He had been serving as acting director since Jim Shano's departure. He stated his intention to split Public Works and Engineering into two different departments and that he would conduct a formal recruitment for a Town Engineer starting in January.

Council Member Bien-Willner announced that he affiliated with the national law firm of Keller Rohrback L.L.P.

15. ADJOURN

Vice Mayor David Sherf announced that this was the final meeting of the Council term. The next meeting would be held on January 12, 2017 to swear in the new Council.

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

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

Absent: 1 - Council Member Stanton

Vice Mayor Sherf adjourned the meeting at 7:33 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

STATE OF ARIZONA)
COUNTY OF MARICOPA) :ss.

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, December 15, 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