

TOWN *Of* **PARADISE VALLEY**



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, October 8, 2015**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, October 8, 2015 at 4:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Public Works Director/Town Engineer James P. Shano
Engineering Services Analyst Jeremy Knapp
Community Development Director Eva Cutro
Director of Administration and Government Affairs Dawn Marie Buckland

2. STUDY SESSION ITEMS

15-215 Discussion of Marquee Street Identification Signs

Engineering Services Analyst Jeremy Knapp presented seven options for marquee street identification signs for twelve signalized intersections. He asked for direction on style, lighting vs non-lighting, whether to include the town seal, how they should be

mounted, and custom metal work.

There was Council consensus to proceed with the design for Option A non-lighted, no seal, and flag-mounted. The estimated cost quote for Option A was \$220,000. The Council also asked for a mockup of a lighted version of Option A.

15-221 Discussion of Drone Ordinance

Town Attorney Andrew Miller presented a draft ordinance on unmanned aerial vehicles (Drones). Staff showed videos demonstrating drone videos flying at different heights.

Mr. Miller explained that the ordinance differentiates between drone operation over private property and public property and regulates the use of drones based on the following categories: commercial use, recreational use, and emergency/investigatory use.

There was Council discussion about potential liability, legal challenges, and federal preemptions if the draft ordinance were adopted. There was discussion about limiting the restrictions on commercial use and registration if a commercial operator is acting on behalf of a property owner to take video of their property, such as for real estate marking purposes. It was also suggested that the first offense should be a civil offense.

Staff was directed to research the liability questions and schedule the ordinance for a public hearing to receive comments from commercial operators and the public. The hearing would then be continued to a future date to take into consideration the public comments.

15-220 Discussion of Construction Noise Ordinance

Town Manager Kevin Burke presented draft language amending the noise ordinance granting the Town Manager the authority to grant waivers on time and day restrictions in the noise ordinance. He noted that Town Managers have exercised this power in the past, however, the current code does not expressly grant the manager that authority.

There was Council discussion to revisit the noise ordinance to make other changes related to prohibiting work on Saturdays prior to 7:00 a.m. There was Council consensus to schedule the ordinance as drafted for a vote at the next meeting.

3. EXECUTIVE SESSION

A motion was made by Council Member Sherf, seconded by Council Member Stanton, to enter Executive Session at 5:32 p.m. The motion carried by the following vote:

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

Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding Notice of Claim filed by Storey Family Trust as authorized by A.R.S. §38-431.A.4.

Discussion and consultation with Town Attorney regarding pending or contemplated litigation related to Rafi-Zadeh Notice of Claim as authorized by A.R.S. §38-431.03.A.4.

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.

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

Mayor Collins reconvened the meeting at 6:08 p.m.

6. ROLL CALL

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
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Town Clerk Duncan Miller
Police Chief Peter Wingert
Public Works Director/Town Engineer James P. Shano
Engineering Services Analyst Jeremy Knapp
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7. PLEDGE OF ALLEGIANCE*

Police Sergeant Freeman Carney led the Pledge of Allegiance.

8. PRESENTATIONS

There were no presentations.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

A motion was made by Vice Mayor Dembow, seconded by Council Member Hamway, to approve the Consent Agenda. The motion carried by the following vote:

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

15-204 Minutes of Town Council Meeting September 24, 2015

15-217 Consideration of Agreement for Ollie the Trolley Services

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

15-209 Acquisition of an Easement for the Public Safety Communications Antenna and Equipment

Mr. Burke presented an easement and purchase agreement related to the purchase of property for the construction of a public safety communications tower on property owned by Jane Marie Westhoff in the vicinity of 6800 E Highlands Drive. He stated that the agreement provides for the location of a communications antenna and associated equipment building along with the future Westhoff home. Mr. Burke summarized the terms of the purchase and settlement agreement.

Doug Westhoff addressed the Council regarding the esthetic details and location of the tower.

A motion was made by Council Member Sherf, seconded by Council Member Hamway, to approve the Easement Purchase Agreement at 6824 East Highland Drive. The motion carried by the following vote:

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

15-216 Award of contract to Dibble Engineering in the amount of \$420,051 for engineering consulting services related to watershed studies

Engineering Services Analyst Jeremy Knapp presented the engineering services consulting contract to study the Cherokee and Cheney watersheds. He discussed the selection process, scope of work, budget, and schedule. He stated that the Council budgeted \$500,000 for the studies and the contract award was for \$420,051. The project schedule is eleven months.

A motion was made by Council Member Hamway, seconded by Vice Mayor Dembow, to It is recommended the Town Council award a contract to Dibble Engineering in the amount of \$420,051. The motion carried by the following vote:

Aye: 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, and Council Member Stanton

Nay: 1 - Council Member Syms

EXECUTIVE SESSION

A motion was made by Council Member Hamway, seconded by Council Member Sherf, to enter Executive Session. The motion carried by the following vote:

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

Mayor Collins recessed the meeting at 6:33 p.m.

Mayor Collins reconvened the meeting at 6:39 p.m.

Mr. Miller stated that the Town and the Storey Family Trust reached an agreement to settle a notice of claim.

A motion was made by Council Member Hamway, seconded by Council Member Bien-Willner, to approve the settlement Agreement with Storey Family Trust, authorize the Town Manager to execute the agreement, and to insert an alternative dispute resolution clause. The motion carried by the following vote:

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

13. REQUESTS FOR FUTURE AGENDA ITEMS**15-189 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda list. Council Members Syms requested that the noise ordinance be scheduled for a future meeting to discuss prohibiting work on Saturdays prior to 7:00 a.m.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Vice Mayor Dembow announced that the Annual Vintage Car Show would be held on Saturday, November 7th.

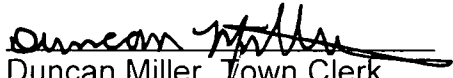
15. ADJOURN

A motion was made by Council Member Hamway, seconded by Council Member Bien-Willner, to adjourn. The motion carried by a unanimous vote.

Mayor Collins adjourned the meeting at 6:46 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, Thursday, October 8, 2015.

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