

TOWN
of
PARADISE VALLEY



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, December 1, 2016

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, December 1, 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 Mark Stanton

COUNCIL MEMBERS NOT PRESENT

Council Member Mary Hamway
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
Public Works Director Brent Skoglund
Senior Information Technology and Management Analyst Robert Kornovich

2. STUDY SESSION ITEMS

16-426 Discussion of Ritz-Carlton Final Plat (Area B)

Community Development Director Eva Cutro presented a request by Five Star Development Resort Communities, LLC to approve a final plat map for The Ritz-Carlton Resort Parcel B. The proposed plat map consisted of 66 lots for single family homes located on approximately 23.83 acres. She said the plat was in substantial conformance with the Special Use Permit and Development Agreement. The Planning Commission voted on November 1, 2016 to forward the final plat to the Council with a unanimous recommendation for approval.

There were no questions or changes from the Council. The final plat would be brought back to Council for final action on December 15, 2016.

16-416 **Discussion of Financial Disclosure Requirements for Elected Officials**

Town Clerk Duncan Miller briefed the Council on state legislative changes to the Financial Disclosure Law for elected officials. He stated it was necessary for the Town to Amend Article 2-7 of the Code to bring it into compliance with state statute. He summarized the specific changes. Staff recommended that the Council repeal Article 2-7 in its entirety and replace it with a general reference to A.R.S. §38-542; and adopt a resolution with the financial disclosure form requirements provided by the Secretary of State's Office, with input from the League of Cities and Towns.

Mr. Miller stated that because the state law was effective December 31st it would be necessary for the Town's ordinance to be adopted with an emergency clause so that the effective dates would be the same.

There were no questions or changes from the Council. The ordinance and resolution would be brought back for a final vote on December 15, 2016.

16-435 **Phoenix Country Day School - Intermediate SUP Amendment Statement of Direction**

Ms. Cutro stated that the Phoenix Country Day School submitted an application to amend their Special Use Permit to allow for the replacement of the existing Administration Building, new fencing, and updated signage. The proposed improvements would result in 7,110 square feet of additional floor area. She summarized the proposed Statement of Direction to guide the Planning Commission in their review of the application.

The Council requested additional information on the proposed building height and location.

There were no comments or changes to the proposed Statement of Direction. It would be brought back to Council for action on December 15, 2016.

16-436 **Review and Discussion of 2017 Legislative Agenda**

Director of Administration and Governmental Affairs Dawn Marie Buckland introduced Doug Cole and Courtney McKinstry of HighGround Public Affairs Consultants, the Town's contract lobbying firm.

Ms. Buckland reviewed the draft 2017 Legislative Agenda.

The Council discussed:

- Delaying a final decision on the legislative agenda until the newly elected Councilmembers could

provide input. It was suggested that this be included as a topic at the Council retreat in February

- Adding “Telecommunications companies” to the section on “Use of Right-of-Way”
- Moving Council Goals from Guiding Principles section to Strategies section. Add “Quality of Life for Paradise Valley residents to the Guiding Principles section. Better define “Limited Government”
- Creating a “Five Fast Facts” about Paradise Valley as part of the Strategies section.

There was further discussion about identifying issues in which the Town is unique or isolated and finding municipalities with which to partner on issues to maximize influence.

There was Council consensus to bring back the list of legislative priorities for formal adoption on December 15, 2016. The remainder of the 2017 Legislative Agenda would be revisited after the new Council takes office.

A motion was made by Vice Mayor Sherf, seconded by Council Member Dembow, to go into executive session. The motion carried by the following vote:

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

Absent: 2 - Council Member Hamway
Council Member Syms

Mayor Collins recessed the meeting at 6:05 PM.

3. EXECUTIVE SESSION

16-417 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).

16-418 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 6:10 PM

COUNCIL MEMBERS PRESENT

Mayor Michael Collins

Vice Mayor David Sherf

Council Member Jerry Bien-Willner

Council Member Paul Dembow

Council Member Mary Hamway attended by telephone conference call

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

Director of Administration and Government Affairs Dawn Marie Buckland

Senior Information Technology and Management Analyst Robert Kornovich

7. PLEDGE OF ALLEGIANCE*

Mayor Collins 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 Consent Agenda.

16-420

Minutes of Town Council Meeting November 17, 2016

A motion was made by Vice Mayor Sherf, seconded by Council Member Bien-Willner, to approve the Minutes of Town Council Meeting for November 17, 2016. 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

Council Member Stanton moved to amend the agenda and consider item 16-422 next. Council Member Jerry Bien-Willner seconded the motion which passed 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

ACTION ITEMS

16-422 Consideration of Paradise Valley Alarm Monitoring Program and Resolution Number 2016-22

Police Chief Peter Wingert provided a history of the Paradise Valley Police Alarm Monitoring Service and the current state of technology, subscribers, and revenue. He summarized three of the five Business Models that the Council was still considering:

1. Business Model 1 Continue providing basic level of service
2. Business Model 4 Gradual Termination of service
3. Business Model 5 Provide advanced level of service

Mayor Collins opened the meeting for public comments.

Residents Dolf Strom, Elizabeth Byrnes, Betty McRae, Trudy Klein, and Jini Simpson spoke in favor of continuing the service. Phoenix resident and owner of Urban Defense home alarm system installer spoke in favor of continuing the service.

The Council discussed the merits of continuing to offer the system, the experiences of other municipalities around the country who offer similar services, the reliability of the system, and whether the Town should continue to offer the service even if it was not self-supporting and required supplemental funding from the General Fund.

A motion was made by Council Member Dembow, seconded by Council Member Hamway, to approve Resolution Number 2016-22, which directed staff to implement Business Model 4 – termination of the service. The motion failed by the following vote:

Aye: 2 - Council Member Dembow
Council Member Hamway
Nay: 5 - Mayor Collins
Vice Mayor Sherf
Council Member Bien-Willner
Council Member Stanton
Council Member Syms

There was Council consensus to continue to offer the service and reevaluate it in one year. A study group made up of Councilmembers Bien-Willner and Stanton would meet with staff and possibly other stakeholders to develop a new business model and strategies to remain in the business long term.

In the short term, staff was directed to make immediate investments in technology to improve the reliability of the system and to notify subscribers of the one-year extension. Staff was further directed to contact customers who may need to upgrade their alarm panels and other hardware before the end of the year if they want to continue to use the Town's service.

Chief Wingert was directed to report back to the Town Council in 60 days with recommendations from the study group.

Councilmember Hamway and Councilmember Syms departed the meeting.

11. PUBLIC HEARINGS

16-421 Consideration of Ordinance Number 2016-07; Amending Article XXIV, Walls and Fences, of the Zoning Code

Planner George Burton presented a request by a resident to amend the Zoning Ordinance to allow for a partial view fence or combination view fence at a 20-foot front yard setback and to modify the definition of view fence to accommodate decorative elements such as knuckles, scrolls, and spears.

He stated that the Planning Commission held several meetings on the topic. There was general agreement with the modified language for the fence wall finish, but there was not consensus regarding the combination view fence. Commissioners expressed concern about the enforceability of the landscaping requirements associated with view fences.

Mayor Collins opened the public hearing.

Resident and Planning Commissioner Dolf Strom voted against the recommendation to approve the ordinance because of the difficulty in enforcing the landscaping provisions.

Attorney Taylor Earl, representing applicant Alan Garner, spoke in favor of the ordinance and stressed that the proposed language advances the principles of CPTED - to improve public safety through building practices.

Resident and applicant Alan Garner spoke in favor of the ordinance. He stated that a combination view fence would improve safety by providing unobstructed views.

Mayor Collins closed the public hearing.

A motion was made by Vice Mayor Sherf, seconded by Council Member Stanton, to adopt Ordinance 2016-07. The motion carried by the following vote:

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

Absent: 2 - Council Member Hamway
Council Member Syms

16-411 Public Hearing on Utility Impact Fees

Ms. Buckland introduced Pat Walker of Pat Walker Consulting and Kevin Burnett of Willdan Financial Services who were retained by the Town to update the sewer utility impact fees. The purpose of the study was to develop a rate structure that:

- Recognizes the impact new development places on the system
- Ensured that growth pays its proportional share of costs
- Provided funding for ongoing growth-related costs

The consultants described the methodology used to develop the fee structure, the proposed rates and the timeline.

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

Mayor Collins announced that this item would be scheduled for a final vote on January 26, 2017.

12. ACTION ITEMS**16-427 Approval of the Final Plat for Ritz-Carlton Resort - Parcel B**

Ms. Cutro presented the final plat map for The Ritz-Carlton Resort Parcel B.

There was no public comment. There was no Council discussion.

A motion was made by Council Member Stanton, seconded by Mayor Collins, to approve the final plat map, "Ritz-Carlton Resort - Parcel B", subject to the following stipulations:

- 1. Prior to recordation of the final plat, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to insure that all terms required under the SUP or other recorded agreements are part of these documents, including provision for maintenance of any drainage easements dedicated on the map.**
- 2. The final improvements that address items such as street improvements, sewer, water, grading, drainage, landscaping, and easements shall be completed as set forth in the Special Use Permit and Development Agreement for this property.**
- 3. Within 60 days of approval of the final plat map, the applicant shall submit to the Town Mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.**

The motion carried by the following vote:

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

Absent: 2 - Council Member Hamway
Council Member Syms

13. FUTURE AGENDA ITEMS

16-419 Consideration of Requests for Future Agenda Items

Mr. Burke summarized the items on the December 15, 2016 Council agenda.

Council Member Dembow announced that the Historical Advisory Committee had discussed a program to identify historical buildings in the Town. Mayor Collins stated that he would add the item to a future study session agenda.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Dembow stated that the Paradise Valley Vintage Car Show Committee would present donation checks to the veterans' organizations at the December 15 meeting.

15. ADJOURN

Mayor Collins announced that the next meeting would be held on December 15, 2016.

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

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

Absent: 2 - Council Member Hamway
Council Member Syms

Mayor Collins adjourned the meeting at 8:50 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

