

# **TOWN** *Of* **PARADISE VALLEY**



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

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## **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 marketing 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  
Town Attorney Andrew M. Miller  
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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

## **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

15-226      **Approval of Settlement Agreement with Storey Family Trust**

**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 7<sup>th</sup>.

