



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, February 8, 2018**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, February 8, 2018 at 3:05 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Community Development Director Eva Cutro
Public Works Director Brent Skoglund
Financial Services Manager Doug Allen

2. STUDY SESSION ITEMS

18-074 Mayor and Vice Mayor's Recommendation to Establish a Cellular Service Task Force

Mayor Collins and Vice Mayor Bien-Willner presented a proposed resolution creating a task force whose purpose is to research and prepare a report on a solution, or possibly a menu of options, to provide quality cellular phone coverage and signal strength in the Town of Paradise Valley consistent with the Town's General Plan. The Council discussed membership qualifications and selection, establishing a clear scope of work for any consultants to be hired, and establishing short term and long term goals. The Council supported the proposal and asked for regular updates.

Mayor Collins stated he would schedule the resolution for a vote on February 22, 2018.

Note: Minutes of Town Council meetings are prepared in accordance with the provisions of Arizona Revised Statutes. These minutes are intended to be an accurate reflection of action taken and direction given by the Town Council and are not verbatim transcripts. Video recordings of the meetings along with staff reports and presentations are available online and are on file in the Office of the Town Clerk.

18-060 Legislative Update

Deputy Town Manager Dawn Marie Buckland briefed the Town Council on legislation pending in the Arizona Legislature. She focused on bills impacting photo enforcement and home-based business licensing. The Council discussed strategies to engage with legislators and share information about the Town's unique characteristics and important role photo enforcement serves in protecting safety of residents, visitors, and police officers.

18-073 Discussion of Single Hauler Trash Collection License Agreement

Mayor Collins explained that this item was scheduled as a result of a vote taken on January 25, 2018 to: *reject the [solid waste and recycling collection and disposal] contract and direct the Town Manager to negotiate a new contract with Republic that addresses items brought up tonight including price, KPI, and timing to be articulated in a study session on February 8, 2018 with action on February 22, 2018, acknowledging all proposals are only good for 180 days from September 6, 2017.*

Mayor Collins deferred to Council Member Stanton, who made the motion, to present his proposal on contract terms to be renegotiated. Town Manager Kevin Burke presented other terms suggested by Council Members. The Council discussed each of the items and provided a consensus opinion to the Town Manager.

Mayor Collins recessed the meeting at 5:30 PM. The Council reconvened in the Town Hall Community Room for Item 18-067.

Mayor Collins reconvened the study session at 6:00 PM in the Boardroom. The Council continued their discussion of proposed amendments to the single hauler license agreement. After the Council finalized their direction to the Town Manager, Mr. Burke met separately with the negotiating group from Republic Services.

18-067 Cherokee Elementary School Art Exhibit

Mayor Collins, the Town Council, and the Arts Advisory Committee hosted a reception for the Cherokee Elementary School Art Exhibit in the Community Room. The students' art work would be on display for one month.

3. EXECUTIVE SESSION

18-075 Discussion of Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03(A)(1).

18-057 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 items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:40 PM.

6. ROLL CALL

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Community Development Director Eva Cutro
Public Works Director Brent Skoglund
Financial Services Manager Doug Allen

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

There were no presentations.

9. CALL TO THE PUBLIC

Resident Robert Rasmussen stated that non-residents should not be allowed to address the Council on Action Items like the single hauler license agreement.

10. CONSENT AGENDA

Mr. Burke summarized the items on the Consent Agenda.

18-061 Minutes of Town Council Meeting January 25, 2018

18-072 Adoption of Resolution 2018-04; Amending the Municipal Property Corporation Bylaws

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

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

**18-050 Adoption of Ordinance Number 2018-01: Amending Town Code
Section 2-5-2 Regarding Small Wireless Service Facilities Located in
the Rights-of-Way**

Mr. Burke stated that the Town Council reviewed the proposed amendments to the Small Cell wireless service facilities ordinance on January 11, 2018. There were no questions or discussion from the Council and no public comment.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to adopt of Ordinance Number 2018-01: Amending Town Code Section 2-5-2 Regarding Small Wireless Service Facilities Located in the Rights-of-Way The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

18-068 Reconsideration of Vote to Reject Resolution 2018-03; Single Trash Hauler License Agreement with Republic Services and direct the Town Manager to negotiate a new contract with Republic Services, Approved on January 25, 018

Mayor Collins stated that pursuant to Town Council Rules of Procedure Section 14, Paragraph (K), a motion to reconsider any action taken by the Council is in order on the day the action was taken or at the next regular meeting. Any motion to reconsider must be made by a member voting in the majority, but may be seconded by any member. The Town Clerk confirmed that Mayor Collins, Council Member Stanton, Council Member Pace, and Council Member Sherf voted in the majority on the motion.

A motion was made by Council Member Stanton, seconded by Vice Mayor Bien-Willner, to reconsider the action taken on January 25, 2018 to reject the contract and direct the Town Manager to negotiate a new contract with Republic that addresses items brought up [at the 1/25/18 Council Meeting] including price, key performance indicators, and timing to be articulated in a study session on February 8, 2018 with action on February 22, 2018, acknowledging all proposals are only good for 180 days from September 6, 2017.

Mr. Burke, on behalf of the Town, and Alberto Guardado, Director of Operations for Republic Services, and Tom Baker, Area Municipal Manager for Republic Services reported to the Town Council on the results of their negotiations. Republic Services accepted most of the amendments but rejected the request to eliminate the annual rate adjustment. They countered with a 3% annual increase. Republic Services also asked for clarification of the termination for convenience provision to include an opportunity to cure any violation prior to termination.

Mayor Collins opened the meeting for public comment.

Resident Lowell Shonk spoke in favor of the agreement.

The following residents spoke in opposition to the agreement: Nan Murley, Marsi Johnson, Robert Rasmussen, Joy MacLean, Jane Kunde, Joseph Scherzer, Toby Shine, Dorothy Smith, Tony Scire, Bernard Kirk, Bob Kramer, Liz Clendenin, Sandra Farmer, Bill MacLean, Janie White, and Tom Gates.

Mayor Collins responded to parliamentary inquiries.

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

**18-069 Consideration of Single Trash Hauler License Agreement with
Republic Services and Associated Resolution**

A motion was made by Council Member Stanton, seconded by Council Member Pace, to reject the contract and direct the Town Manager to negotiate a new contract with Republic that addresses items brought up [at the 1/25/18 Council Meeting] including price, key performance indicators, and timing to be articulated in a study session on February 8, 2018 with action on February 22, 2018, acknowledging all proposals are only good for 180 days from September 6, 2017.

The Town Council discussed the motion. Council Member Stanton offered to withdraw his motion. Council Member Pace, as the member who seconded the motion, did not agree. There was no public comment.

The motion failed by the following vote:

Aye: 1 - Council Member Pace

Nay: 6 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Sherf
Council Member Stanton

A motion was made by Council Member Dembow, seconded by Council Member Moore, to reject Resolution Number 2018-03 and direct the Town Manager to postpone indefinitely further discussions on having a single licensed solid waste hauler.

The Council discussed the motion. Council Member Sherf and Council Member Pace offered the following additional language to the motion.

“until the Town Council appoints a task force involving residents to address options for haulers including licenses and regulation as part of the solution.”

Council Member Dembow and Council Member Moore agreed to the additional language.

Final Motion

Do not approve Resolution Number 2018-03 and direct the Town Manager to postpone indefinitely further discussions on having a single licensed solid waste hauler until the Town Council appoints a task force involving residents to address options for haulers including licenses and regulation as part of the solution.

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

13. FUTURE AGENDA ITEMS

18-059 Consideration of Requests for Future Agenda Items

Mr. Burke summarized the items on the future agenda topics list. He stated that it may be necessary to start the February 22, 2018 meeting early to accommodate committee volunteer interviews.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Vice Mayor Bien-Willner reported on the MAG Regional Committee meeting. He stated that the focus was on homelessness in Maricopa County.

Council Member Pace provided an update on the Advisory Committee on Public Safety. She stated that in the spring the Police Department would host a document shredding event, a presentation by the IRS on identity theft, a water safety class, and a CPR class. She said Coffee with a Cop is held the first Wednesday of each month.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore to go into executive session to discuss the Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03(A)(1). The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting and convened the executive session at 9:25 PM

15. ADJOURN

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

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins adjourned the meeting at 9: 35 PM.

