

TOWN  
*of*  
PARADISE VALLEY



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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, May 26, 2016**

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**1. CALL TO ORDER / ROLL CALL**

Vice Mayor Sherf called to order the Town Council Meeting for Thursday, May 26, 2016 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

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

Mayor Michael Collins was not present

**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  
Building Safety Manager/Fire Marshal Robert Lee  
Senior Planner Paul Michaud  
Public Works Director/Town Engineer James Shano

**2. STUDY SESSION ITEMS**

**16-181**

**Discussion of “The Villas at Mountain Shadows - Amended - Condominiums”**

**Final Condominium Plat Map**

Senior Planner Paul Michaud presented a request by TNHC Mountain Shadows, LLC for approval of a final condominium plat map consisting of a total of 12 condominiums

located on approximately one acre near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The Planning Commission reviewed the application and determined that it met all zoning criteria and was consistent with the preliminary plat map. The Commission voted unanimously to recommend approval subject to four stipulations.

There was no discussion.

### **16-183**

#### **Discussion of “The Villas at Mountain Shadows II - Condominiums” Final Condominium Plat Map**

Mr. Michaud presented a request by TNHC Mountain Shadows, LLC for approval of a final condominium plat map consisting of a total of 40 condominiums located on approximately 5.17 acres near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street. The Planning Commission reviewed the application and determined that it met all zoning criteria and was consistent with the preliminary plat map. The Commission voted unanimously to recommend approval subject to three stipulations.

There was no discussion.

### **16-175**

#### **Advisory Committee on Public Safety One Year Review**

Police Chief Peter Wingert reported on the activities of the Advisory Committee on Public Safety. He explained that Resolution 1330, which created the committee, required the Council to review and reauthorize the committee after one year. He noted that the Committee has been helpful in promoting resident participation and engagement in the review of the Department’s Strategic Plan and assistance with public safety community events.

Concern was expressed that the Committee not become involved in police operational matters. There was Council consensus to reauthorize the Committee for another year, subject to the following:

1. re-emphasize the Committee’s duties and limitations in the reauthorization resolution
2. require the Committee to provide regular updates to Council
3. establish clear committee goals
4. wait to fill the committee vacancy until the fall

**16-189****Discussion of Proposed Wastewater Rates for FY 2017-2019**

Director of Administration and Governmental Affairs Dawn Marie Buckland presented a recommendation to increase wastewater user rates. She stated that the last time rates were increased was FY 2010. She stated that the General Fund has been subsidizing the wastewater fund since 2009. She presented several rate options over the next five years to make the fund self-sustaining, meet minimum reserve requirements, and provide funding for capital improvements.

Council discussed the advantages and disadvantages of slow incremental increases over three years or a larger one-time increase. Staff noted that the required public notices stated that the maximum annual increase would be 10%. There was Council consensus to proceed with a 10% increase in FY 2017, a 10% increase in FY 2018, and 0% increase in FY 2019. The Council directed that extra efforts be made to advertise the public hearing on June 9 and clearly explain that only a third of residents are on the system which has been subsidized by the General Fund.

**16-191****Discussion of the Potential Ballot Question Regarding the Expenditure Limitation Rule**

Town Manager Kevin Burke presented additional factors for the Council to consider in setting the proposed permanent base expenditure limit adjustment amount for the ballot. In previous meetings on the topic, a majority of the Council was comfortable with increasing the limit \$13 million in current dollars unless a compelling case could be made for a higher amount. Mr. Burke suggested that the \$13 million figure did not include use of reserves to pay down public safety pension costs and contributions from developers and/or other agencies on shared projects.

There was Council consensus to increase the amount by \$3,656,225 in 1979 dollars (approximately \$14 million in current dollars) so long as the higher amount could be tied to actual revenue including outside contributions and grants.

**16-190****Discussion of Ordinance Number 2016-02 and Resolution Number 2016-07  
Updating to the Current International Codes**

Building Safety Manager/Fire Marshal Robert Lee explained that the Town currently follows the 2013 International Codes. Every three years the codes are updated. He summarized the 2015 International Codes changes. He stated that the new codes would have little impact on the Town but that it was important to be consistent with surrounding communities. Adoption of the new codes would also improve the ISO ratings for the Town.

Vice Mayor Sherf recessed the meeting at 6:05 p.m.

**3. EXECUTIVE SESSION****16-187**

**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.**

This item was not discussed.

**4. BREAK****5. RECONVENE FOR REGULAR MEETING**

Vice Mayor Sherf reconvened the meeting at 6:10 p.m. He noted that the Town is celebrating its 55<sup>th</sup> Anniversary this week.

**6. ROLL CALL****COUNCIL MEMBERS PRESENT**

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

Mayor Michael Collins was not present

**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  
Building Safety Manager/Fire Marshal Robert Lee  
Senior Planner Paul Michaud  
Public Works Director/Town Engineer James Shano  
Engineering Services Analyst Jeremy Knapp

**7. PLEDGE OF ALLEGIANCE\***

Vice Mayor Sherf led the Pledge of Allegiance.

**8. PRESENTATIONS****16-177 Mummy Mountain Preserve Trust Update**

Mummy Mountain Preserve Trust Chair Joan Levinson reported on the Trust's activities. She noted that the Trust owns approximately 235 acres in fee title and conservation easements on Mummy Mountain. She said the Trust plans to update its educational outreach materials and continue efforts to acquire additional land on the mountain for preservation.

**9. CALL TO THE PUBLIC**

Resident Robert Rasmussen announced that there would be a Memorial Day celebration at the Camelback Cemetery on Monday, May 30, 2016 at 8:00 a.m.

Council Member Dembow thanked Catherine Kauffman and the Historical Advisory Committee for providing coffee and cake during the meeting in celebration of the Town's 55<sup>th</sup> Anniversary.

**10. CONSENT AGENDA**

Mr. Burke summarized the items on the consent agenda.

**16-188 Minutes of Town Council Meeting May 12, 2016**

**16-178 Cancellation of Regular Council Meeting for June 23, 2016****16-176 Renewal of Solid waste removal services contract with Sonoran Waste Disposal L.L.C.**

**Recommendation:** Authorize the Town Manager to renew a contract for solid waste removal services with Sonoran Waste L.L.C. for FY 2016/2017 in an amount of \$28,700 and to exercise up to three one-year renewal options.

**16-192 Approval to extend the Intergovernmental Agreement between the Superior Court of Maricopa County and the Town of Paradise Valley for jury services**

**Recommendation:** Approve the amendment to extend the Intergovernmental Agreement between the Superior Court of Maricopa County and the Town of Paradise Valley for jury services for an additional two year term (June 30, 2016 - June 30, 2018).

**A motion was made by Council Member Dembow, seconded by Council Member Stanton, to approve the Consent Agenda. The motion passed unanimously.**

**11. PUBLIC HEARINGS**

There were no public hearings.

**12. ACTION ITEMS****Award of Contract for Bicycle and Pedestrian Master Plan**

Senior Planner Paul Michaud presented a proposal to award a contract to Coffman Studio, PLLC to develop a bicycle and pedestrian master plan. He stated that this master plan would satisfy one of the goals in the General Plan and one of the Town Council's quality of life initiatives. He described the bid, review, and selection processes followed to select Coffman Studio. He stated that the plan would take approximately 10 months to complete.

Responding to a question from the Council, Mr. Michaud described the stakeholders that would be involved and the outreach process.

There were no public comments.

**A motion was made by Council Member Hamway, seconded by Council Member Stanton, to authorize the Town Manager to execute a contract with Coffman Studio, PLLC in the amount not to exceed \$143,695.02 to develop a Bicycle and Pedestrian Master Plan for the Town. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Sherf, Council Member Bien-Willner, Council Member Dembow, Council Member Hamway, and Council Member Stanton

**Nay:** 1 - Council Member

**Absent:** 1 - Mayor Collins

**Consideration of “The Villas at Mountain Shadows - Amended - Condominiums” Final Condominium Plat Map**

Mr. Michaud presented The Villas at Mountain Shadows - Amended - Condominiums” Final Condominium Plat Map during the study session. There were no questions from the Council. Planning Commissioner Scott Moore presented the Commission's report. He noted the Commission unanimously recommended approval of both plat maps.

There were no public comments.

**A motion was made by Council Member Hamway, seconded by Council Member Syms, to approve the Final Condominium Plat Map, "The Villas at Mountain Shadows - Amended - Condominiums" (FP 16-02), subject to the following stipulations:**

1. Development shall be in substantial compliance with the Final Condominium Plat Map, “The Villas at Mountain Shadows – Amended - Condominiums,” Sheets 1-6, prepared by Coe & Van Loo Consultants, Inc. dated May 18, 2016.
2. The final improvements shall be in substantial compliance with improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Condominium Plat Map, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final improvement plans prior to the issuance of any building permit for a residential unit in said Final Condominium Plat Map.
3. Within 60 days of approval of the Final Condominium 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:** 6 - Vice Mayor Sherf, Council Member Bien-Willner, Council Member Dembow, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Mayor Collins

**Consideration of “The Villas at Mountain Shadows II - Condominiums” Final Condominium Plat Map**

There were no public comments.

**A motion was made by Council Member Syms, seconded by Council Member Dembow, to approve the Final Condominium Plat Map, "The Villas at Mountain Shadows II - Condominiums" (FP 16-03), subject to the following stipulations:**

1. Development shall be in substantial compliance with the Final Condominium Plat Map, “The Villas at Mountain Shadows II - Condominiums,” Sheets 1-11, prepared by Coe & Van Loo Consultants, Inc. dated May 18, 2016.
2. The final improvements shall be in substantial compliance with improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Condominium Plat Map, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final improvement plans prior to the issuance of any building permit for a residential unit in said Final Condominium Plat Map.
3. Within 60 days of approval of the Final Condominium 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:** 6 - Vice Mayor Sherf, Council Member Bien-Willner, Council Member Dembow, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Mayor Collins



**Adoption of Ordinance Number 2016-02 and Resolution Number 2016-07 Updating to the Current International Codes**

Building Safety Manger/Fire Marshal Robert Lee presented the 2015 International Codes update in the Study Session. He responded to questions from the Council. He said adoption of the Codes would improve the Town's ISO rating and make building codes consistent with Scottsdale and Phoenix.

There were no public comments.

**Council Member Hamway moved and Council Member Stanton seconded, a motion to Suspend Town Council Policy Section VIII(b)(2), adopt Resolution 2016-07, and adopt Ordinance Number 2016-02 The motion carried by the following vote:**

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

**Absent:** 1 - Mayor Collins

**Award of contract to T.Y. Lin International, Inc. in the amount of \$1,121,656.72, of which \$497,838.51 is the town's responsibility and \$623,818.21 is Five Star's responsibility, for design and construction administration services related to various roadway improvements adjacent to the Ritz Carlton Resort.**

Engineering Services Analyst Jeremy Knapp presented the recommendation to award a design and construction contract to T.Y. Lin International, Inc for services related to various roadway improvements adjacent to the Ritz Carlton Resort.

Responding to questions from the Council he clarified the project timeline and public outreach plan.

Resident Dorothy Smith asked for clarification on the associated improvements in the City of Scottsdale.

Council Member Dembow expressed concern that this was an example of growth not paying for growth.

**A motion was made by Council Member Hamway, seconded by Council Member Syms, to award a contract to T.Y. Lin International, Inc. in the amount of \$1,121,656.72, of which \$497,838.51 is the town's responsibility and \$623,818.21 is Five Star's responsibility. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Sherf, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Nay:** 1 - Council Member Dembow

**Absent:** 1 - Mayor Collins

### **Reconciliation and Final Payment to ADOT for Tatum Curve at Mockingbird**

Ms. Buckland explained that this project was completed in 2007 but there were certain change orders that were not invoiced. The contractor on the project went out of business. Staff's position at the time was that the performance bond should have covered the balances due. She explained the due diligence taken to research the outstanding invoices. Both the Finance Department and Town Attorney's office agree that the Town is liable for the amounts under the IGA the Town signed with ADOT.

There were no public comments.

**A motion was made by Council Member Hamway, seconded by Council Member Stanton, to authorize a budget transfer from contingency and final payment to ADOT in the amount of \$349,047.36 for ADOT project #SS484 The motion carried by the following vote:**

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

**Absent:** 1 - Mayor Collins

### **Adoption of Resolution Number 2016-11 Town of Paradise Valley Investment Policy**

Ms. Buckland summarized the proposed investment policy.

There were no public comments.

**A motion was made by Council Member Hamway, seconded by Council Member Stanton, to adopt Resolution 2016-11 adopting the Town of Paradise Valley 2016 Investment Policy The motion carried by the following vote:**

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

**Absent:** 1 - Mayor Collins

**13. REQUESTS FOR FUTURE AGENDA ITEMS****16-160 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the future agenda topic list.

There were no other additions or changes.

**14. MAYOR / COUNCIL / MANAGER COMMENTS**

Mr. Burke announced that the Town received a Certificate of Achievement from the Government Finance Officers Association for the Town's Comprehensive Annual Financial Report.

Council Member Dembow wished Vice Mayor Sherf a Happy Birthday.

**15. ADJOURN**

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

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

**Absent:** 1 - Mayor Collins

Mayor Collins adjourned the meeting at 7:22 p.m.

**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

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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, May 26, 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.

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Duncan Miller, Town Clerk