



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Town Council

Thursday, March 2, 2017

8:00 AM

ANDAZ RESORT AND SPA
Conference Center

6142 N Scottsdale Rd, Paradise Valley, AZ 85253

Council Retreat

1. CALL TO ORDER / ROLL CALL

Notice is hereby given that members of the Town Council will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).

A. Welcome - Mayor & Manager

B. Culture Setting (The People)

C. Goals (The Work)

D. Governance (The Structure)

[17-066](#)

Mayor and Town Council Retreat

3. ADJOURN

AGENDA IS SUBJECT TO CHANGE

**Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.



Town of Paradise Valley

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Action Report

File #: 17-066



Office of the Town Manager
MEMORANDUM

TO: Mayor Collins and Members of the Town Council
FROM: Kevin Burke, Town Manager
DATE: February 24, 2017
SUBJECT: **2017 Mayor & Council Retreat**

The agenda for this Retreat is quite simple and can be found attached; however, the materials, activities and discussions can be expected to be robust and time consuming. Before I get into the meat of this, a few logistics.

First, the Retreat is at the main conference center of the ANdAZ. Please park in the areas noted on the attached map. We will be in room G. We are looking to start promptly at 8:00. We will have a continental breakfast served and we will also have lunch served. The Mayor, Town Council and Directors are the invited participants and we will be intermixed around a horseshoe conference table. It is an open meeting and the public may come in and out at any time but there is no public comment scheduled. The Retreat is technically a Special Meeting/Study Session called by the Mayor. Under his authority as chairman of the meeting, the Mayor has asked that the meeting be video recorded and made available to the public like other Council meetings. At the beginning of the meeting, he will provide Council an opportunity to turn off the camera if that is the will of a majority of Council. Staff has acquired a camera that allows the recording and then subsequent upload onto the Town's website. So it will not be live but would be available for viewing soon after it is uploaded.

The meeting is broken into three sections: Culture Setting (The People); Goal Setting (The Work); and Governance (The Structure). In terms of Culture Setting, I have three attached documents that I will be working from: 1) Values and Characteristics; 2) Summary of a High Performing Governing Body; and 3) Effective Governance: Pointers for Council Members. I have a series of discussions and activities based off of these documents. Aside from a preliminary review of the material, no preparation is required.

The second section is Goal Setting. Before we get to the actual identification of goals, we will debrief the goals of the last term (attached) to understand what is possible given the capacity of Council and staff, what has carried-over into the new term as unfinished business, and what is the structure of the goals. We will then spend some time looking for agreement on how to articulate and prioritize goals for the 2017-2018 term. This is then followed by the actual goal setting. For this section, I would ask that Council prepare in advance approximately three (3) goals to present to your colleagues. For purposes of preparation, a goal is more general in nature and describes a state of affairs you wish to achieve. For example, "Improved Public Safety." You are then

welcomed and encouraged to identify tasks that advance or accomplish this goal. For example: “Develop a Police Department Strategic Plan,” “Acquire and Implement License Plate Readers,” “Appoint an Advisory Committee on Public Safety.” Please prepare these Goals and Tasks by writing them in large font on 8½ x 11” paper. Or if you want to simply write them down, staff will provide blank paper in order to write your final version of each goal at the Retreat and present to the group.

The third and final section is Governance. Once the Council has identified what work they want to accomplish, the next task is to determine how they want to accomplish that work. This is about setting that structure in which to perform work. Attached please find the current Town Council Rules and Procedures. This is probably the most specific document related to the structure of how Council conducts its business. Another document that was requested and attached that may provide guidance on structure is the one entitle “Mayoral Power versus Council Powers.” I would also like to have a conversation regarding defining the structure and authority of what is sometimes referred to as “Council Champions” (no related documents attached). Lastly, a conversation refining some of the structure around development projects and current codes, guiding materials and processes seems appropriate. To that extent, an section from the Zoning Ordinance specific to the Statement of Direction is attached. If you could please review these documents and come prepared for discussions on refinements.

It is not necessary that the final language be settled for each and every action in the Retreat, but rather the direction firmly established such that staff could complete drafting and return documents for review and adoption. The day is scheduled from 8:00 a.m. to 5:00 p.m. but I will look to the Council to decide when they have had enough.

Thank you all for once again donating your time above-and-beyond an already demanding volunteer position. I look forward to a very productive 2017 Retreat.

Effective Governance: Pointers for Council Members

Roles and Responsibilities

- Your primary role is helping to build and maintain a sense of community.
- Important questions to help you understand your role:
 - What is it that the governing body can do in our community that no other individual or group can do?
 - How does the governing body add value to the community?
 - If the governing body is not looking at the big picture, who is?
- If you define your role primarily in terms of providing constituent services, you have decided to become a customer service representative rather than a member of the board of directors.
- Be aware of the origin of your images about elected officials. Congress and state legislators are not always the best models for local elected officials.

Working well with each other

- Your most important constituents are other council members. Nothing gets done without a majority.
- Compromise and negotiation are the tools of the political craft. Except when sitting as a quasi-judicial body, beware of acting like judge and jury. You are a member of a legislative body where compromise and negotiation are prized.
- Working with other council members to accomplish something is incredibly rewarding. But it may mean giving up some of what you want. Keep your focus on what you are trying to accomplish. The emotions of politics and dealing with citizens can take you off track.
- Your toughest job initially will be learning how to get other council members to consider "your" issues. There are formal ways to get items on the governing body's agenda, and there are informal ways to interest other council members.
- Your next toughest job will be learning how to influence other council members. Learn how to engage your colleagues without enraging them.
- Sometimes you have to be satisfied just to have the governing body consider an issue you are interested in. You will not always get your way.
- For the sake of effective meetings, every council member does not have to speak on every issue.
- Governing bodies that are willing to ask themselves: "What could we be doing to make ourselves more effective"? are doing their community a favor.

Civility and courtesy for getting things done

- In council-manager government, the mayor's role is to facilitate discussion.
- Nothing is accomplished by getting another council member angry.
- Being able to shake hands with other council members at the end of each council meeting sometimes takes a lot, but it will be worth it in the long run.
- How you conduct your business as a governing body conveys as much as what you accomplish.
- When councils are divided, more talk about the issue may not be of benefit. In these cases, relying on voting to replace talking can be very useful.
- Citizens will respect your position, but you must earn the respect of your council colleagues.
- Saying things on television or in public that are transparently political or self-interested diminishes your respect among your colleagues. Don't forget, you are not in Congress or the state legislature.

Effective partnerships with staff

- If you want to work with staff as partners, you have to treat them as partners; and vice-versa. Trust must be earned regardless of your position.
- If you see yourself primarily as a watchdog, then you have minimized the likelihood of developing a close working relationship with the staff that is there to assist the governing body and citizens.
- Spend as much time letting staff know how you want them to conduct business as you do setting policy priorities.
- It's OK to look to other cities/counties for ideas, including internationally.

Building a sense of community and encouraging citizen engagement

- Compelling political agendas are built on dreams (and fears). Has your governing body given itself the opportunity to share dreams for the community?
- Governing body members who can connect what is politically acceptable with what is administratively feasible add tremendous value to the governing process.
- It is normal for political values to conflict, and more often than not, there are many "right" solutions to controversial policy issues.
- Citizens are very rational when their interests are not affected. When interests are at stake, the most you can expect is that the parties will see that their interests will have to be assessed against the interests of others.
- One of your roles is to bring together opposing community groups to develop understanding and resolve issues between them.
- Invest in the future; respect the past.

Written by John Nalbandian, professor of public administration, University of Kansas

These thoughts are based on his experience on the Lawrence, Kansas City Council, 1991-1999, including two terms as mayor.

Prepared originally for the Kansas Government Journal.

SUMMARY OF HIGH PERFORMING GOVERNING BODY

Characteristic	Obstacles	Steps to Take
Willingness to deal with difficult problems	Value conflicts	<ul style="list-style-type: none"> • Identify values and understand council's role as community building • Identify community dreams/fears • Build council's capacity to deal effectively with big issues
Ability or capacity to deal with difficult problems	Unproductive working conditions	<ul style="list-style-type: none"> • Depersonalize issues • Establish vision and set goals • Build team expectations and teamwork • Schedule regularly retreats to assess effectiveness • Develop effective relationship with staff
Effective relationship with staff	<ul style="list-style-type: none"> • Council that does not work as a team • Unprofessional staff • Diverse perspectives of council and staff 	<ul style="list-style-type: none"> • Provide direction for staff • Team building • Invest in professionalism • Become aware of differences between council and staff perspectives

John Nalbandian, University of Kansas, nalband@ku.edu

Values

- Representation/Participation
- Efficiency/Professionalism
- Social Equity
- Individual Rights

Characteristics of Politics and Administration

Political acceptability \longleftrightarrow Administrative sustainability

Characteristics	Politics	Administration
Activity	Game/allocation of values	Problem Solving
Players	Representatives	Experts
Conversation	<p>"What do you hear?"</p> <ul style="list-style-type: none"> ■ Passion ■ Dreams ■ Stories <p>Intangible: Interests and symbols</p>	<p>CAO and Senior Staff in the GAP \longleftrightarrow</p> <p>"What do you know?"</p> <ul style="list-style-type: none"> ■ Data ■ Plans ■ Reports <p>Tangible: Information; money, people, equipment</p>
Pieces		Knowledge (deeds)
Currency	Power (stories)	
Dynamics	Conflict, compromise, change	Predictability, cooperation, continuity



Mayor and Town Council Goals 2015-2016

TASK ORIENTED GOALS

Public Safety

Improve public safety services including prevention, enforcement, communication and community/victim outreach.

- Create and Implement a Strategic Plan
- Get Police technology up and running and provide periodic assessment
- Ensure Technology is sustainable
- Evaluate the Alarm System
- Develop a Public Safety Committee
- Increase communication regarding crime and prevention
- Quarterly outreach on public safety

Resort Development

Support resort industry and manage its development such that it maintains the Paradise Valley quality of life and financial health.

- Inform Council and community about changes and schedule
- Improve resort outreach and accessibility to residents
- Recognize resort employee contributions to resort and PV vitality

Finances

Develop a long term sustainable budget

- Address Police pension funding requirements
- Ensure financial health without compromising Town values
- Determine and address expenditure limitation law
- Identify funding mechanism for CIP
- Coordinate procurement activities

Capital Improvement Program (CIP)

Develop and advance a Capital Improvement Program

- Maintain, repair, and add critical infrastructure in the Town
- Include visual improvements as components of capital projects
- Identify and dedicate sustainable funding over the long term to capital projects
- Identify and prioritize projects

Storm Water

Identify the scope, scale and possible solutions to recurring storm water management issues.

- Develop an educational program to increase awareness of issues and individual responsibilities
- Participate in regional and PV specific studies that identify the scope of flooding issues
- Define Town's role in storm water management (financially & legally)
- Define an action plan

Technology

Utilize technology throughout the organization to deliver quality services in an economic and efficient manner

- Develop and implement an IT Strategic Plan
- Implement an organizational wide GIS product
- Provide sufficient staff and resources to support and maintain technology
- Use technology to increase access to government records
- Consider a technology advisory board

Staffing

Provide adequate staffing to deliver expected quality services

- Provide competitive compensation and benefits to attract the required talent to deliver services
- Evaluate additional staffing requests/requirements necessary to provide quality services
- Explore volunteer, internship, and contract labor opportunities prior to new positions.
- Develop departmental and town-wide strategic plan

Non-motorized Mobility

Improve non-motorized mobility throughout our Town

- Develop a pedestrian/bicycle Master Plan incorporating industry standards for safety
- Identify missing linkage to improve pedestrian/bicycle connectivity
- Develop linkages through and around resorts
- Incorporate industry standards in the non-motorized Master Plan
- Communicate the bicycle/pedestrian network and safe practices
- Program into CIP

VALUE ORIENTED GOALS

Quality of Life

Maintain and Improve the Paradise Valley quality of life

- Identify defining characteristics consistent with the General Plan
- Manage growth responsibly
- Explore using Citizen survey to measure satisfaction trends
- Identify mechanisms to obtain feedback

Engagement/Transparency

Prioritize public engagement and transparency

- Emphasize transparency in process
- Go beyond the minimums required by law
- Implement tools to increase resident engagement
- Open meeting training and compliance
- Encourage volunteer opportunities

Customer Service

Assess and improve customer service

- Perform customer service assessment
- Develop action plan based on assessment
- Develop performance metrics

PV Brand

Protect and enhance the Paradise Valley brand

- Protect and improve visually significant corridors and ROW's
- Preserve and enhance those characteristics that make it a desirable place to live
- Identify opportunities to enhance color in our views
- Manage and promote the brand
- Protect property values
- Define the PV brand consistent with the Visioning Committee Statements

Collaboration

Strengthen internal and external collaboration

- Work together effectively as a team to address Town's present and future needs
- Cultivate strong relationships with interested stakeholders, including but not limited to, Scottsdale, Phoenix, Board of Supervisors, Flood Control District, schools, places of worship, and residents.
- Strengthen relationship with the State Legislature
- Periodic review of committees and boards

Mayoral Powers versus Council Member Powers

Kevin Burke received the following request for information from Councilmember Dembow:

"Please make sure we have all practice, policy, ordinances, resolutions and anything that there is a difference between what the mayor's powers are and the council members powers are for anything. I want to discuss a way to ensure that the structure of the direct elect for Mayor is complimented by the structure of the power the Mayor possesses."

Understanding the "we" to be mayor and council, this was provided to all members. The list of possible documents in which "any" mayor and council powers may reside is quite expansive and a full research would exceed Town Council Policy Section XVIII. However, the Town Manager and Directors during its February 21, 2017 staff meeting were able to conduct a quick search of the most likely documents in which this information would be contained and did so in about an hour's time. Below is our list. There is no guarantee that it is exhaustive, but suspect it covers the vast majority of instances where power is exerted under our current operations.

- I. Call Meetings (Rules and Procedures Section II)
 - a. Mayor has the power to call special meetings. Any meeting outside of the day and time set by the Rules and Procedures would be considered a special meeting.
 - b. Three or more Councilmembers may call a special meeting.
- II. Agenda Setting (Rules and Procedures Section III)
 - a. Mayor has the power to place items on the agenda
 - b. Any Member of the Town Council may request that an item be placed on a future Council agenda pursuant to the provisions in Section VIII(b)(13). This is the future agenda items on the Council agenda. This rule requires the concurrence of "three more Members" for a total of four. This rule further seems to indicate that the agenda item can only be placed during a Council meeting. Further clarification of requests outside of that forum would be welcomed.
- III. Powers & Duties of the Mayor (Town Code 2-2-4) (also ARS 9-236)
 - a. Chief Executive Officer of the Town
 - b. Chairman of the Council
 - i. Preside over meetings
 - ii. Make and second motions and vote in proceedings
 - iii. Administer oaths and compel attendance of witnesses
 - c. Enforce the provisions of the code
 - d. Execute by signature statutes, ordinances or other instruments.
 - i. Failure to sign within 5 days, then a majority of Council, by majority vote, may authorize the Vice Mayor to sign.
 - e. Make recommendations and suggestions to the Council he may consider proper.
 - f. Command the police force and govern by proclamation in event of an emergency
 - i. Declare and enforce curfews
 - g. Shall perform other duties required by State statute and Code
- IV. Appointments to Boards and Commissions

- a. The Mayor shall appoint (in the code the term appoint is used but it is used synonymous with nominate) Board and Commission members for Council to consider for confirmation on the following:
 - i. Board of Adjustment (2-5-3a)
 - ii. Hillside (2-5-6b)
 - iii. Advisory Committee on Public Safety (resolution 1330)
 - iv. Arts Committee (Council Action in 1999)
 - v. Historic Committee (Council Action in 2000)
 - vi. Mummy Mountain Trust (Resolution 923)
 - vii. Public Safety Pension Board (ARS 38-847(a))
 - viii. Any new board or commission of the Council (Rules and Procedure Section XVIII)
 - b. Council nominates and confirms members of the following boards
 - i. Planning Commission
 - ii. Municipal Property Corporation
 - iii. Personnel Appeals Board
 - c. All Board and Commission members seeking reappointment are to send a letter to the Mayor.
- V. Confirmation of Board Chairs
 - a. Council confirms the selection of the chair of the Planning Commission and Board of Adjustments
- VI. Mayor may direct the Building Official to conduct investigations and render written reports (ARS)
- VII. Financial Responsibilities
 - a. The Mayor shall co-sign checks greater than \$25,000
 - b. In the absence of the Mayor, the Vice Mayor shall co-sign checks over \$25,000

TOWN COUNCIL RULES AND PROCEDURES

TOWN OF PARADISE VALLEY, ARIZONA

SECTION I - RULES OF PROCEDURE

The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

SECTION II - MEETINGS

The Council shall meet regularly twice each month, except for July and August. Meetings will be held on the second and fourth Thursday of each month, except for the months of November and December when meetings will be held on the first and third Thursdays. The meeting notice will list the start time, place, and agenda. The meeting may include the following: work session discussion items, executive sessions; public hearings, action items and other Town Council business. The agenda will be sent to the press, posted in a public place, and posted on the Town's internet website at least twenty-four hours in advance of the meeting. Special meetings may be held on the call of the Mayor or of three or more Council Members. All meetings shall be open to the public. Executive sessions may be held for the purposes allowed by law and shall not be open to the public. In the case of an emergency, notice will be given as early as is reasonable under the circumstances.

SECTION III - AGENDA

All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the Town Manager on Tuesday of the week prior to the Council meeting at which they are to be submitted. The Town Manager and the Mayor shall list the matters according to the order of business and furnish each Member of the Council, the Town Attorney, and department heads with a copy of the agenda prior to the Council meeting, as early as possible. The Town Manager or Mayor may place an item on the Council agenda or any Member of the Town Council may request that an item be placed on a future Council agenda pursuant to the provisions specified in Section VIII(b)(13).

SECTION IV - PRESIDING OFFICER - DUTIES

The Mayor shall be the presiding officer of the Council. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. He/she shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order. Any decision or ruling of the Mayor may be appealed to the Council as a whole by request of any Member. The Mayor shall call for roll call to see if the chair shall be upheld; if the roll call loses, the Mayor is reversed.

SECTION V - CALL TO ORDER - PRESIDING OFFICER

The Mayor, or in his absence, the Vice-Mayor shall call the Council to order at the scheduled meeting time. In the absence of the Mayor or Vice Mayor, the Town Clerk shall call the Council to order. A temporary chairman then shall be elected by the Members of the Council present. When the Mayor or Vice Mayor arrives, the temporary chairman shall relinquish the chair when the business immediately before the Council is finished.

SECTION VI - ROLL CALL

Before proceeding with the business of the Council, the Town Clerk shall call the roll of the Members, and the names of those present shall be entered in the minutes.

SECTION VII - QUORUM

A quorum shall consist of a majority of the Members of Council; however, no action of the Council shall be valid or binding unless adopted by a majority of the quorum. If one or more Members of the Council are unable to be present in person at a public meeting, they may participate electronically by telephonic or video communication. However, in no event shall more than three (3) Council Members attend a public meeting electronically. Council Members shall notify the Town Clerk at least 4 hours prior to the meeting of their intent to attend electronically. The meeting agenda and minutes shall state that one or more Council Members will participate by telephonic or video communication.

SECTION VIII - ORDER OF BUSINESS; SUBSTANCE OF EACH BUSINESS ITEM

a) ORDER OF BUSINESS. The order of business at all regular meetings shall ordinarily be as follows; provided, however, the Council may, by majority vote, consider items out of sequence from the printed agenda order.

- 1) Call to Order/Roll Call
- 2) Study Session Items
- 3) Executive Session
- 4) Break
- 5) Reconvene
- 6) Roll Call
- 7) Pledge of Allegiance
- 8) Presentations
- 9) Call to the Public
- 10) Consent Agenda
- 11) Public Hearings
- 12) Action Items
- 13) Requests for Future Agenda Items
- 14) Comments from Mayor, Manager, and Council Members
- 15) Adjournment (and announcement of next scheduled meeting)

b) **SUBSTANCE OF EACH BUSINESS ITEM.** Each matter on the Order of Business shall be conducted in the manner and for the purposes noted.

- 1) Call to Order/Roll Call – The Mayor shall announce that the Council Meeting is called to order. The Town Clerk shall call the names of each sitting Council Member and note their attendance in the minutes.
- 2) Study Session Items – Matters listed as study session items are matters where the intent is to inform the Town Council about issues which are facing the Town for which formal action may be required in the future. Formal action cannot be taken during the study session. However, the Town Council can direct staff to prepare an item for consideration at a future Town Council meeting. New ordinances shall be reviewed as a study session item prior to consideration for adoption. A motion to suspend the rules is required to consider any ordinance which has not been discussed in study session at least one meeting in advance of its adoption.
- 3) Executive Session – A closed session of the Council to be held only for those limited purposes allowed to be discussed in closed session pursuant to state statutes.
- 4) Break – a short recess during which the Council typically moves from a smaller study session room to the larger Council Chamber.
- 5) Reconvene – The Mayor calls the Council to order in the Council Chamber.
- 6) Roll Call – The Town Clerk shall call the names of each sitting Council Member and note attendance for the main business meeting.
- 7) Pledge of Allegiance – The Mayor shall ask all the Council and audience to rise for the pledge of allegiance and shall lead or ask a Member of the Council or audience to lead the pledge of allegiance.
- 8) Presentations – The Mayor, or an appropriate designated Council Member or staff Member, shall make public presentations of awards or recognition of people, as appropriate and as designated in the agenda for the meeting.
- 9) Call to the Public – An opportunity for residents to address the Council on matters not on the agenda. The Council may not discuss or take action on any matters raised, but may respond to criticism, ask staff to review the matter, or ask that it be placed on a future agenda.
- 10) Consent Agenda - The consent agenda matters are routine and may be adopted by one motion. There will be no discussion of separate items, unless Members of the Town Council, staff, or the public request that a specific item be discussed or removed from the consent agenda for individual consideration. No ordinance or expenditure authorization request in excess of \$250,000 shall be placed on the consent agenda. Resolutions or expenditure requests for a lesser amount may be placed on either the consent agenda or as action items.
- 11) Public Hearings – Public Hearings shall be held for all business matters where state statutes require a public hearing prior to action, such as annexations, rezonings of property, wastewater rate increases, and other such matters. Specific procedures for public hearings shall comply with the provisions of Section XV.
- 12) Action Items - Action items shall include action on any subject requiring a

public hearing, expenditure requests of \$250,000 or more, ordinances, and any items the Mayor chooses to have considered as action items instead of consent agenda items.

- 13) Requests for Future Agenda Items - Requests for future agenda items are topics or issues of interest that at least four Council Members would like to have considered for discussion at a future meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon the concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within sixty days. In the event that the Town Manager determines such a future agenda item request should be moved to a later date due to the need for the Council to address more critical agenda items, the Town Manager may move the requested item to a later Council Meeting date, but only to the next scheduled Council Meeting date. Any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and not on the merits of such agenda item.
- 14) Comments from the Mayor, Manager and Council Members – A short time period where the Mayor, Manager and Council Members may present a brief summary of current events. The Town Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is otherwise separately and properly noticed for legal action.
- 15) Adjournment – A motion, second and a vote is required before adjournment. If the Town Council desires to adjourn at a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned. A motion to adjourn shall always be in order except during roll call. When a motion is made and seconded to adjourn, any Member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.

SECTION IX - PROCEDURES FOR DEBATE ON ACTION ITEMS

On those issues requiring debate, the presiding officer shall state the issue before the Council. Staff shall report on the issue and respond to Council questions, following which interested Members of the community shall also have an opportunity to express their positions on the issue before the Council. Section XI covers the proper method of addressing the Council. Council may limit the amount of time allotted for discussion.

A motion and second on the issue will be in order at any time during Council discussion. Discussion may continue after the motion is made for such period of time as is authorized elsewhere in these rules.

SECTION X - RULES OF DEBATE

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.** The Mayor or Member of

the Council that is presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all Members. The presiding officer shall not be deprived of any of the rights and privileges of a Council Member.

- b) **GETTING THE FLOOR - IMPROPER REFERENCES TO BE AVOIDED.** Every Member desiring to speak shall address the chair, and upon recognition by the presiding officer, the Members shall be germane to the topic and shall avoid personal attacks and indecorous language.
- c) **INTERRUPTIONS.** A Member, once recognized, shall not be interrupted when speaking unless it is to call the Member to order. If a Member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, the Member shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE.** The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned, or where the welfare of the Council is concerned. A Council Member may interrupt another speaker if the Mayor recognizes the privilege.
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION XI - ADDRESSING THE COUNCIL

Any person wishing to address the Council shall first secure permission of the presiding officer to do so. The Council may limit the length of time that a person is permitted to address the Council.

- a) **WRITTEN COMMUNICATIONS.** Interested parties or their authorized representatives may address the Council by written communications in regard to matters under discussion.
- b) **ORAL COMMUNICATIONS.** During the proper time on the agenda, taxpayers or residents of the Town, or their authorized representatives, may address the Council on any matter concerning the Town's business, or any matter over which the Council has control. Oral presentations shall not be repetitious and shall be confined to three minutes maximum duration.
- c) **AFTER MOTION MADE.** No person shall address the Council after a motion is made without first securing the permission of the Council to do so.

SECTION XII - DECORUM

- a) **BY COUNCIL MEMBERS.** While the Council is in session, the Members must preserve order and decorum. A Member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Member while

speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

- b) **BY PERSONS.** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.

SECTION XIII - ENFORCEMENT OF DECORUM

The Mayor shall appoint a sergeant-at-arms at the Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, to remove any person who violates the order and decorum of the meeting.

SECTION XIV - VOTING

- a) **VOICE VOTE AND/OR ROLL CALL.** All votes shall be recorded in the minutes and shall be by voice vote (ayes and nays) or, if requested by the Mayor or any Council Member, or as otherwise required by these Rules, by roll call. Voting by proxy shall not be permitted.
- b) **PRECEDENCE OF MOTIONS.** When a motion is before the Council, no motion shall be entertained except:
 - 1) to amend
 - 2) to adjourn
 - 3) to fix hour of adjournment
 - 4) to lay on the table
 - 5) for the previous question
 - 6) to postpone to a certain day
 - 7) to refer
 - 8) to postpone indefinitely
 - 9) divide the question

These motions shall have precedence in the order indicated.

- c) **AMENDMENTS.** No more than one amendment to an amendment is permitted.
- d) **MOTION TO TABLE.** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be taken off from the table at any time prior to the end of the next regular meeting.

- e) **MOTION FOR PREVIOUS QUESTION.** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.
- f) **DIVISION OF QUESTION.** If the question contains two or more divisible propositions, the Mayor may, or upon successful motion of the Council, shall divide the same.
- g) **WITHDRAWAL OF MOTION.** When a motion is made and seconded, it shall be so stated by the Chair. A motion may not be withdrawn by the mover without the consent of the Member seconding it.
- h) **CONFLICT OF INTEREST.** Council Members shall abide by the provisions of A.R.S. Chapter 38, Article 3. When a Council Member determines he or she has a conflict of interest, he or she shall announce such conflict and refrain from discussing or voting upon the matter.
- i) **COUNCIL MEMBER REQUIRED TO VOTE.** Council Members are required to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted an "aye" vote unless excused by State Conflict of Interest Laws.
- j) **RECORDING VOTES; TIE VOTES.** The minutes of the proceedings of the Council shall record individual's votes on all ordinances, resolutions, and franchises. In the case of a tie in votes on any motion, the motion shall be considered lost.
- k) **MOTION TO RECONSIDER.** A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next regular meeting of the Council. It may be made during the same session or at a recessed or adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any Member. A question failing by virtue of a tie vote may be reconsidered by motion of any Member of the Council. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any Member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

SECTION XV - PROCEDURE FOR DEBATE DURING PUBLIC HEARING

The following shall be the procedure during public hearings:

- 1) Mayor shall read the title of the action item.
- 2) Staff report, if any, by the appropriate staff members and relevant questions by Council Members.
- 3) Statement by the Applicant explaining and advocating the item (maximum of fifteen (15) minutes).
- 4) Testimony by members of the public who support the item.
- 5) Testimony by members of the public who oppose the item.
- 6) Written Communications filed with the Town regarding the item.

- 7) At Council's discretion, a brief closing statement by the Applicant).
- 8) Discussion by Council Members. The order of recognition of Council Members desiring to speak other than the Council Member who authored the item shall be determined by the chairman.
- 9) Motion and second.
- 10) Motion to amend (if any).
- 11) Vote.

SECTION XVI – ORDINANCE: EMERGENCY CLAUSES

Ordinances shall be prepared as provided for in Article 1-2 of the Town Code. An emergency clause shall not be utilized for any routine matter such as establishment of fines or penalties, the authorization for contracts, rezoning of property, creation of taxes, lease of Town land, amendment of the Town Code, or the levy of assessments unless harm to the public can be expected from a delay of action.

SECTION XVII - SPECIAL COMMITTEES

When the Council determines that a board, commission or committee is needed the following procedure shall be used:

- a) The party proposing the creation of the board, commission or committee will prepare a resolution defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee.
- b) That resolution will be submitted to the Mayor or Town Manager for placement on an agenda for Council discussion.
- c) The Council shall approve, modify, or reject the resolution.
- d) Once a board, commission, or committee is approved the Mayor shall prepare nominations for members including their length of terms (not to exceed three years).
- e) The Mayor's nominations shall be submitted to the Council at least seven days prior to the meeting at which nominations will be confirmed.
- f) Council Members may suggest alternate nominations during the meeting. Each Member shall be approved by a majority of the Council.

SECTION XVIII - USE OF STAFF

No Council Member shall request from the Town Manager any staff project that entails over two hours of staff work without seeking approval of the full Town Council. This rule pertains only to an individual research request by an individual Council person.

SECTION XIX - ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES

Enforcement of these rules shall be incumbent upon the Town Council of Paradise Valley. These rules may be suspended or amended by a majority vote of the Town Council.

SECTION XX - RULES OF ORDER

The rules of parliamentary practice, comprised in the most recent edition of Roberts Rules of Order, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Town Code of the Town of Paradise Valley.

Section 1102.3. Creating a Special Use Permit ⁶⁵⁷

- A. Non residential properties that currently do not have a Special Use Permit and residential properties that wish to obtain authorization for a non-residential use are eligible to apply for a Special Use Permit. A general plan amendment may first be required as well as a rezoning of the property prior to or in conjunction with a request for a Special Use Permit.
- B. The following definitions shall be used for all Special Use Permits or amendments thereto:

1. Floor Area – As defined in Article II, Section 201, of the Zoning Ordinance.
2. Lot Coverage – The square footage of the ground floor of a structure measured to its drip line, including trellises, divided by the size of the lot and expressed as a percentage.
3. Special Use Permit - The original document approved by an ordinance adopted by the Paradise Valley Town Council (that may also include an amendment to the Zoning Map as required by Article III), together with all pertinent exhibits thereto, authorizing a primarily non-residential use of the property within those categories identified in Section 1102.2.
4. Statement of Direction - A Statement of Direction is a document administered by the Town Council at the beginning of Phase II of the application process. A Statement of Direction is not a final decision of the Town Council and shall create no vested right to the approval of a Special Use Permit, nor shall any applicant for a Special Use Permit be entitled to rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit. It may address, but is not limited to the following items:
 - a. Uses
 - b. Lot coverage/density
 - c. Massing/Scale
 - d. Perimeter setbacks
 - e. Maximum heights
 - f. View Corridors
 - g. Circulation
 - h. Known issues, if any (for intermediate amendments this may includes issues outside of the geographic area)

C. Application and Approval Procedures for Special Use Permits

1. Applications for a Special Use Permit may be filed by any person, the Town of Paradise Valley, or by any federal, state, county, school district or municipal or governmental agency owning property subject to the provisions of this ordinance.

2. The applicant for a Special Use Permit must be the real property owner or must provide a letter of authorization filed on the behalf of the property owner.
3. Special Use Permit Application Process:
 - a. The Special Use Permit application process is comprised of two phases. Phase I is the application submittal process, in which the applicant and Town staff work together to create a complete application. Phase II consists of the project review by the Planning Commission and the Town Council. [Please also refer to Figure 1102.4-1 for an overview of the review process.]
 - b. During Phase I the applicant shall contact Town staff to start the application process. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code. The Planning Department will review and provide an initial assessment of the pre-application. Thereafter, the applicant shall submit a Special Use Permit application in accordance with Section 307 of Article III of the Zoning Ordinance.
 - c. After the formal application is deemed complete, Phase II begins with the project request being reviewed by the Planning Commission and Town Council. First, staff presents the application to the Town Council. The Town Council then issues a Statement of Direction within forty-five (45) days from the date of staff presentation. The formal application is then reviewed by the Planning Commission at the work study and public hearing sessions. The applicant must also hold a Citizen Review meeting before the Planning Commission holds a public hearing and makes its recommendation to the Town Council. At any time during the review process the Planning Commission may request clarification and/or expansion of the Statement of Direction based on additional information that has evolved. The Planning Commission will vote on the request at the public hearing and will make a recommendation to the Town Council. The Town Council then reviews the project and holds a public hearing. The Town Council votes to approve or deny the request in accordance with Section 308 of Article III the Town Zoning Ordinance. Should the Town Council approve the request, the Council shall also include a statement explaining the public benefit of the project.
4. Public hearings shall be held only after:
 - a. One publication of a notice of the time, place and date of such hearing in a newspaper of general circulation in the Town, at least fifteen (15) days prior to such hearings; and
 - b. The posting of a notice of the time, place, and date of such hearing on the affected property for at least seven (7) days prior to the date of the hearing.

- c. The applicant shall hold a Citizen Review Meeting no less than ten (10) days prior to the Planning Commission hearing in accordance with Article II, Section 2-5-2(F) of the Town Code.

5. Special Use Permit Submittal Requirements; Review Process; and Review/Approval Criteria

- a. An applicant for a Special Use Permit shall submit plans or studies deemed necessary or appropriate by the Town, which may vary depending on the type and extent of any Special Use Permit or amendment to a Special Use Permit being requested. Said plans and studies may include the following; and any other plans or studies deemed necessary and appropriate by the Town:
 - i. A legal description of the parcel, including gross and net acreage. A recent American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) survey may be required if deemed necessary by the Town for a thorough review of the application.
 - ii. A project narrative which shall include statements on: uses proposed on the property; site development phasing; architectural design philosophy; compatibility with adjoining properties; environmental impacts; water flow and pressure impacts, site access, parking and circulation; conformity with the Town's development standards and guidelines and any deviation from such standards or guidelines; and, ownership, maintenance, and management of common facilities and areas including open space.
 - iii. Site plan depicting location and type of all improvements and any additional information as needed, including:
 - 1) Perimeter setbacks
 - 2) On-site parking
 - 3) Points of access
 - 4) Common areas
 - 5) Location of walls
 - 6) Internal circulation
 - 7) Density and intensity of uses and structures
 - 8) Lot coverage
 - 9) Floor Area
 - iv. Building plans including, schematic floor plans, building elevations and heights, an analysis of the Open Space Criteria, architectural style and details, and exterior building materials and colors.

- v. Landscaping Plan.
 - vi. Lighting Plan with photometric study.
 - vii. Signage Plan.
 - viii. Grading plans and drainage study. Grading plans including location and proposed treatment of sloped and retention areas; calculations and maintenance responsibilities, significant topographical features of the site, and areas of the site subject to flooding.
 - ix. Traffic study to address the impact of the project on adjacent properties and roadway system, internal circulation and parking analysis, and any necessary roadway dedication and improvement.
 - x. Noise study to evaluate the compatibility of the proposed project with surrounding areas.
 - xi. Timing and phasing of development.
- b. Within 30 calendar days of the date an application is submitted, the Town shall notify the applicant whether the application is complete. If the Town determines the application is incomplete, the Town shall indicate what additional information or documents the applicant must submit to make the application complete. The Town Manager or his designee may waive the submittal of any information or document listed in this section that he determines is not necessary to properly evaluate an application.
- c. In considering an application for a Special Use Permit, not only shall the nature of the use be considered, but also the special conditions influencing its location, design and operation, the proposed location and design of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, compatibility with the residential character and zoning of the Town, and the influence that such factors and development in accordance with the Special Use Permit application are likely to exert on adjoining properties.
- d. The recommendation by the Planning Commission for approval of an application, or the ultimate approval thereof by the Town Council, may be granted upon such conditions reasonably related to the use of the subject property or impact on appurtenant properties or on the Town as are deemed proper, including but not limited to, the requirement that the applicant post a bond in such amount as may be deemed appropriate to secure and assure the performance of any or all conditions set forth in the

Special Use Permit; the requirement that the proposed buildings and structures be constructed in a prescribed sequence; and the imposition of time limits for commencement or completion of construction.

- e. An applicant for a Special Use Permit who proposes to improve a project in more than one phase may identify the initial phase of development as Phase I and may identify other and subsequent phases for completing remaining improvements. On-site and off-site improvements for Phase I shall be in proportion to the scale of development as deemed appropriate by the Town. The Town may require additional improvements to be completed in conjunction with the initial or subsequent phases. Improvements shown in the final development must comply with all Town of Paradise Valley ordinances, standards and policies for the proposed development unless otherwise approved by the Town Council in conjunction with approval of the Special Use Permit. The applicant's intention to develop the project in phases shall be indicated in the application narrative and shall be depicted on the site plan for the entire project. Amendments to approved phases or the creation of additional phases shall be reviewed according to the procedures set forth in this article for intermediate or major amendments. The Commission shall hold a public hearing on the application, for the purpose of recommending whether the granting of the application would serve the public safety, health, or welfare of the Town. After such public hearings, the Commission shall submit to the Town Council its recommendation of approval or disapproval of the application.
- f. An approved Special Use Permit, shall be assigned an identifying number, shall be adopted by ordinance and shall constitute an amendment to, and be shown on, the Town's Official Zoning Map. An ordinance granting a Special Use Permit shall set forth the terms and conditions of approval for a Special Use Permit. The terms and conditions set forth in the ordinance shall be complied with as a condition to the establishment of any use on the site and shall be maintained as a condition of the continuation of the use. No use shall be made of property that is subject to a Special Use Permit except as allowed by the ordinance granting the Special Use Permit or as allowed by this article.

6. Application fees for Special Use Permits shall be as set forth in the Town's Fee Schedule.