



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Town Council

Thursday, January 23, 2020

3:00 PM

Council Chambers

Amended

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).

2. STUDY SESSION ITEMS

The Study Session is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item are subject to change.

[20-044](#)

**Discussion of Ordinance No. 2020-2; Amending Article 13-3
Fireworks to Comply with the Changes to ARS §36-1606
5 Minutes**

Staff Contact:

Bob Lee, Building Official/Fire Marshal, 480 348-3631

Attachments:

[A - Revised portions of Town Code Article 13-3](#)

[B - PowerPoint Presentation](#)

[20-047](#)

**Discussion of Native Plant Preservation Requirements
25 Minutes**

Staff Contact:

Jeremy Knapp, Community Development Director, 480-348-3522

Attachments:

[A - Town Code Section 5-8-4](#)

[B - PowerPoint Presentation](#)

[20-045](#)

**Discussion of Building Pad Height
30 Minutes**

Staff Contact:

Paul Mood, Town Engineer, 480-348-3573

Attachments:

[Attachment A - PowerPoint Presentation](#)

[20-043](#)

**Discussion with Land Use Committee Members
90 Minutes**

Staff Contact:

Jill B. Keimach, Town Manager, 480-348-3690

3. EXECUTIVE SESSION

[20-052](#) Discussion or consultation with the Town Attorney in order to consider Town's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the East Lincoln Drive South Development Area, including property owned by Gentree, LLC, and Jamel Greenway, LLC, as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding matters related to the East Lincoln Drive South Development Area as authorized by A.R.S. §38 431.03(A)(3).

[20-050](#) Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Experience Scottsdale as authorized by A.R.S. §38 431.03(A)(4) and legal advice regarding pending litigation as authorized by A.R.S. §38 431.03(A)(3).

[20-039](#) Discussion or consultation with the Town Attorney for legal advice regarding sanitary sewer system as authorized by A.R.S. §38-431.03(A)(3).

[20-038](#) 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 6:00 PM**6. ROLL CALL****7. PLEDGE OF ALLEGIANCE*****8. PRESENTATIONS***

[20-041](#) Presentation of Paradise Valley Vintage Car Show Proceeds to the Sentinels of Freedom and the Military Assistance Mission.

Staff Contact: Diane Wayland, Legal Support Specialist, 480-348-3691

[20-049](#) Paradise Valley Arts Board Annual Update

Staff Contact: Jill B. Keimach, Town Manager, 480-348-3690

Attachments: [PowerPoint Presentation - PV Arts Board Update](#)

[20-017](#) Advisory Committee on Public Safety Update

Staff Contact: Peter Wingert 480-948-7418

Attachments: [012320 ACOPS update 2020](#)

9. CALL TO THE PUBLIC

Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not discuss or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be placed on a future agenda. Those making comments shall limit their remarks to three (3) minutes. Please fill out a Speaker Request form prior to addressing the Council.

10. CONSENT AGENDA

All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

[20-040](#) Minutes of Town Council Meeting January 9, 2020

Attachments: [Town Council Minutes January 9 2020](#)

20-048 **Approve Resolution 2020-02 Amending the Fiscal Year 2019/20
Adopted Budget to Designate use of State Funding for Public
Transit Programs**

Recommendation: Adopt Resolution 2020-02

Staff Contact: Douglas Allen

Attachments: [01 Resolution 2020-02 Budget Amendment for ALF](#)
[02 Adopted budget 2019-20 pages 165-166 Public Transit](#)
[03 LTAF II Guidelines](#)

11. PUBLIC HEARINGS

The Town Council may hear public comments and take action on any of these items. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

12. ACTION ITEMS

The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

20-046 **Approve Ordinance 2020-01 Amending Town Code Chapter 3 to
Clarify Offices and Transaction Approvals**

Recommendation: Adopt Ordinance 2020-01

Staff Contact: Douglas Allen, CFO, 480-348-3696

Attachments: [01 Presentation - Recommended Chapter 3 Amendments January 2020](#)
[02 Recommended Ordinance 2020-01 Amend Chapter 3 Administration](#)

13. FUTURE AGENDA ITEMS

The Town Council May Take Action on This Item. The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon 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 60 days.

20-042 **Consideration of Requests for Future Agenda Items**

Recommendation: Review the current list of pending agenda topics.

Staff Contact: Jill B. Keimach, Town Manager, 480-348-3690

Attachments: [AGENDA TOPICS 01 17 20](#)

14. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.

15. STUDY SESSION CONTINUED**20-018****Discussion of Staggered Terms for Advisory Committee on Public Safety Members****Staff Contact:**

Peter Wingert 480-948-7418

Attachments:[Resolution 2020-01 ACOPS Staggered Terms](#)**20-051****Discussion of Customer Service and Cost Savings Program****Staff Contact:**

Jill B. Keimach, Town Manager, 480-348-3690

Attachments:[PowerPoint Presentation - Customer Service and Cost Savings Program](#)**15. ADJOURN**

AGENDA IS SUBJECT TO CHANGE

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to the Town Council of the Town of Paradise Valley that a quorum of Council Members may go to the Rita's Kitchen, Camelback Inn, 5402 E Lincoln Drive following the Town Council meeting. No policy matters will be discussed and no legal action will be taken.

**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.



Action Report

File #: 20-044

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Jeremy Knapp, Community Development Director
Robert Lee, Fire Marshal

DATE: January 23, 2020

DEPARTMENT: Community Development

AGENDA TITLE:

Discussion of Ordinance No. 2020-2; Amending Article 13-3 Fireworks to Comply with the Changes to ARS §36-1606

SUMMARY STATEMENT:

In 2019 The Arizona Legislature added several new holidays to the statutes governing the legal sale and use of consumer fireworks. The additional holidays include Cinco De Mayo and the Hindu holiday of Diwali. Since the Cinco De Mayo falls on the same date every year, the sale of consumer fireworks is allowed from April 25th thru May 6th with the legal useable dates of May 4th thru May 6th. The dates for Diwali, on the other hand, can fluctuate and as such the sale of consumer fireworks is allowed from three days before the holiday thru the third day of the holiday. The legal use is allowed on the second and third days of Diwali.

Currently the Town Code only allows the sale and use of consumer fireworks around the 4th of July and the Christmas/New Years Holiday season. The sales of consumer fireworks are allowed from May 20th thru July 6th and Dec 10th thru January 3rd. Their use currently is allowed from June 24th thru July 6th and Dec 24th thru Jan 3rd.

The proposed changes to the Town Code will remove the specific dates during which the sale and use of consumer fireworks is allowed and, in its place, will be the requirement that their sale and use is prohibited except during those dates that are specifically allowed by ARS §36-1606. This code changes provides for the town to be consistent with the State as well as surrounding agencies and not have to update the Town Code if the State Legislature further amends dates in the future.

BUDGETARY IMPACT:

None

ATTACHMENT(S):

File #: 20-044

A - Revised portions of Town Code Article 13-3

B - PowerPoint Presentation

Sec 13-3-3 Fireworks prohibited; exceptions

A. The use of fireworks including permissible consumer fireworks within the Town is prohibited except for the limited use of permissible consumer fireworks during the time frame of ~~June 24th through July 6th and December 24th through January 3rd~~ **specified in ARS §36-1606.**

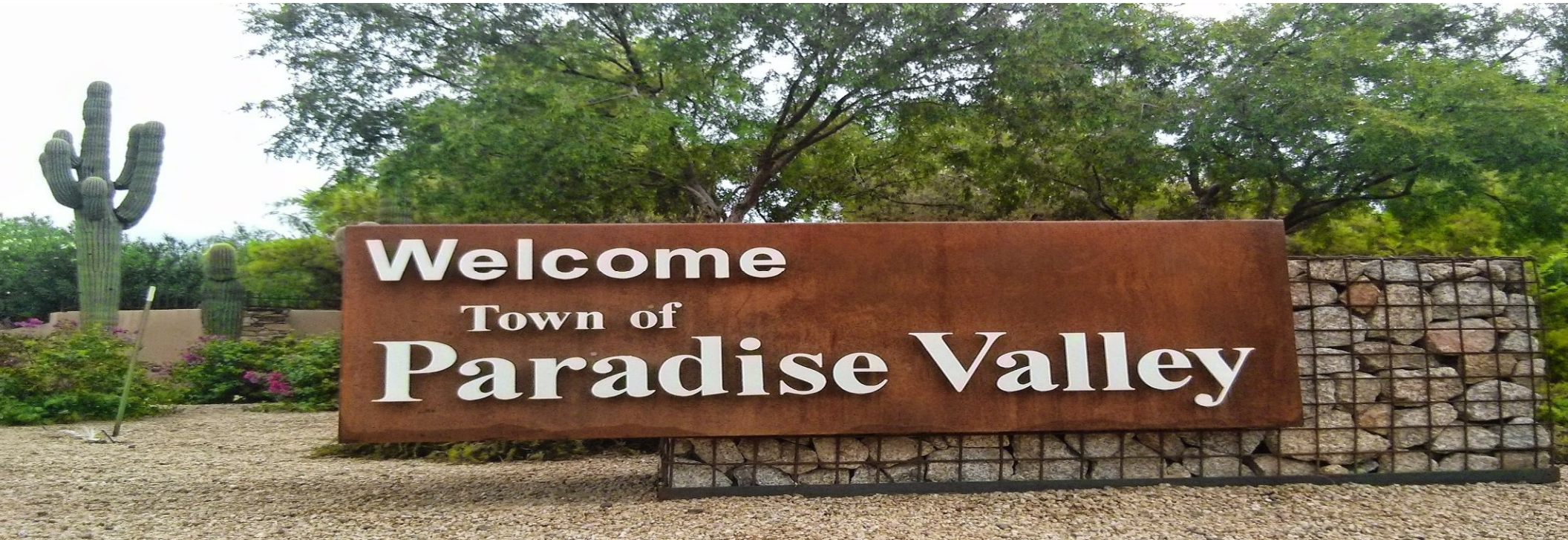
Section 13-3-4 Sale of Fireworks

D. No person shall sell permissible consumer fireworks to the public except ~~from May 20th through July 6th and December 10th through January 3rd~~ **as specified in ARS §36-1606.**

Section 13-3-5 Posting of signs by persons engaged in the sale of fireworks; civil penalty

A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

1. The use of all fireworks including permissible consumer fireworks (as defined under state law) within the Town of Paradise Valley is prohibited except on private property with the consent of the owner ~~from June 24th through July 6th and December 24th through January 3rd~~ **as specified in ARS §36-1606.**



ORDINANCE 2020-02 UPDATING THE TOWN CODE RELATED TO THE USE OF CONSUMER FIREWORKS

Jan 23rd, 2020

TODAY'S GOALS

- Receive information regarding Ordinance Number 2020-02 and
- Provide feedback to staff



Jan 23rd, 2020



AGENDA

- State Legislative Changes
- Current Town Code
- Next Steps



Jan 23rd, 2020



STATE LEGISLATIVE CHANGES

Senate Bill 1348 adopted on May 21, 2019 added:

- Cinco de Mayo holiday
 - Sales allowed April 25 thru May 6
 - Use allowed May 4 thru May 6
- Diwali holiday
 - Sales allowed 3 days before thru the third day of Diwali
 - Use allowed on the second and third days of Diwali



Jan 23rd, 2020

CURRENT TOWN CODE

The Town Code only allows safe use for:

- 4th of July
 - Sales allowed May 20 thru July 6
 - Use allowed June 24 thru July 6
- Christmas/New Years
 - Sales allowed Dec 10 thru Jan 3
 - Use allowed Dec 24 thru Jan 3



Jan 23rd, 2020

PROPOSED TOWN CODE

Sec 13-3-3 Fireworks prohibited; exceptions

A. The use of fireworks including permissible consumer fireworks within the Town is prohibited except for the limited use of permissible consumer fireworks during the time frame of ~~June 24th through July 6th and December 24th through January 3rd~~ as specified in ARS §36-1606.

Sec 13-3-4 Sale of Fireworks

D. No person shall sell permissible consumer fireworks to the public except ~~from May 20th through July 6th and December 10th through January 3rd~~ as specified in ARS §36-1606.



Jan 23rd, 2020



NEXT STEPS

1. Consideration of adopting Ordinance 2020-02 at Feb 13, 2020 Town Council meeting.
2. Thirty days after the Mayor signs the ordinance, the Ordinance will become law and enforceable.
3. The sale and use of consumer fireworks is permissible as specified in ARS § 36-1606.



Jan 23rd, 2020



CONSUMER FIREWORKS



Jan 23rd, 2020



Action Report

File #: 20-047

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Jeremy Knapp, Community Development Director

DATE: January 23, 2020

DEPARTMENT: Community Development

AGENDA TITLE:
Discussion of Native Plant Preservation Requirements (25 Minutes)

SUMMARY STATEMENT:

In preparation of the upcoming Town Council Planning and Zoning Process Retreat, Town staff has been identifying items to discuss with Town Council related to our development processes. One such item identified, which was discussed on a recent platting application, is the application of the Town's regulation regarding Native Plant Preservation.

Arizona State Statute requires to the Town of Paradise Valley have a Native Plant Preservation Ordinance. As such, in 2006 the Town adopted Ordinance 577 introducing a new Town Code Section 5-8-4 Native Plant Preservation. This code section outlines the requirements for preservation of Native Plants when constructing a new home or completing a remodel or addition more than \$500,000. This section is applicable to single-family residential development during the construction process. The protected plants include certain trees and cacti and require an inventory be submitted with the permit application. Failure to comply with the requirements include penalties up to a Class 1 Misdemeanor and fine up to \$2,500.

Although this discussion is focused on the flat land single-family development requirements, it is worth noting that separate regulations are in place on Hillside lots which further Native Plant Preservation by minimizing disturbance on the lot and requiring areas that are disturbed to be restored. Furthermore, Native Plant Preservation requirements can be stipulated on Special Use Permit properties during the Planning Commission and Town Council consideration.

BUDGETARY IMPACT:

No budgetary impact anticipated.

ATTACHMENT(S):

- A - Town Code Section 5-8-4
- B - PowerPoint Presentation

BUILDING AND CONSTRUCTION

- A. An application for a building permit shall be made by the owner or lessee, or agent of either. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application as agent of the owner.
- B. An application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

Section 5-8-3 Revocation

The Director of Building Inspection under the provisions of this Article whenever there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

Section 5-8-4 Native Plant Preservation⁵⁷⁷

To insure mature protected native plants are not unnecessarily destroyed or removed the Town requires native plant preservation. Upon application for a building permit for all new construction and additions over \$500,000 in value and all demolition and grading permits an applicant must first complete a Native Plant Preservation Plan. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant during construction within the Town without first submitting a Native Plant Preservation Plan according to the terms of this Article.

A. Protected native plants

Trees which are over four (4) inches in caliper of the following species:

Acacia Constricta	White Thorn Acacia
Acacia Greggii	Catclaw Acacia
Cercidium Microphyllum	Foothill Palo Verde
Cercidium Floridum	Blue Palo Verde
Olneya Tesota	Ironwood
Prosopis Species	Mesquite

Cacti which are three (3) feet or greater in height of the following species:

Carnegiea Gigantean	Saguaro
Ferocactus Species	Barrel
Fouquieria Splendens	Ocotillo
Peniocereus Greggii	Desert Night Blooming Cereus

B. Native plant permit

BUILDING AND CONSTRUCTION

The Town Manager or designee shall prescribe and provide an application form for use by applicants as required by this Article. Additional information may also be required by the Town Manager or his designee in order to insure that the purpose of this section is fulfilled.

1. Native plant inventory, containing:
 - a. Aerial photograph and/or site plan showing the location of all protected native plants within the area of disturbance.
 - b. List of the number, species, size, general condition, and salvage status of all protected native plants within the area of disturbance.
2. Native plant relocation narrative containing information on the proposed location or relocation of all protected native plants.

C. Penalties

Failure to comply with the requirements of the Native Plant Preservation Plan shall cause immediate suspension of all inspection activity. In addition, any violation of this section is a Class 1 Misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment. Each day this violation continues shall constitute a separate offense.

Section 5-8-5 Demolition

A. Definitions.

1. “Demolition” means to destroy, tear down, raze, level, or wreck, or remove any building or structure.
2. “Partial Demolition” means to destroy, tear down, level or raze any portion of an existing building or structure, including walls for additions, remodels, alterations or repairs, excluding but not limited to, painting, flooring, and cabinets or appliances.
3. “Structure Moving” means to detach a building or structure from the surface of the ground for the purpose of moving the building or structure to a different location on the same parcel or to any other parcel in the Town or outside of the Town.

B. Demolition of Buildings.

It shall be unlawful for any person to commence any interior or exterior demolition or partial demolition of any building or structure, or move or relocate any building or structure within the Town without first obtaining a demolition permit from the Town. The fee for a demolition permit shall be as set forth in the Paradise Valley Fee Schedule.

TOWN OF PARADISE VALLEY

Discussion regarding Native Plant Preservation

January 23, 2020



TODAY'S GOAL

Provide information to the Town Council regarding Town Code and process concerning Native Plant Preservation.



January 23, 2020

NATIVE PLANT PRESERVATION

- **Multiple Locations in Town Code that Address Preservation**
 - **Town Code Section 5-8-4 – Single-Family Home Construction**
 - **Zoning Ordinance Article 22 – Hillside Development**
 - **SUP Review and Stipulations**
- **Today's discussion is focused on the regulation of native plants during the construction of single-family homes.**



NATIVE PLANT PRESERVATION

- Implementation during demolition and construction phases of new homes
 - Any new home or remodel/addition greater than \$500,000 requires a Native Plant Preservation Plan
 - Plan includes an aerial photograph and/or site plan showing all protected native plants within area of disturbance
 - Lists number, species, size, and condition of protective native plants
 - Narrative explaining relocation (if necessary)
 - Reviewed by the Building Division as part of plan review
 - Inspected at Building Final to ensure remain



NATIVE PLANT PRESERVATION

Town of Paradise Valley Native Plant Preservation Plan

Upon application for a Building Permit valued \$500,000 or greater, and all Demolition and Grading Permits, this Native Plant Preservation Plan must be completed.

Project Address: 6823 E. Valley Vista Lane

Parcel Number: 174-66-019

Owner Name, Address & Phone: Benjamin Gray, Gray Properties, Inc.
14269 N. 87th Street, Suite 205, Scottsdale, AZ 85260
602-339-4826

Number of protected plants within area of disturbance, if any: 9
Number of plants to remain in place: 4 8'-10' tall, condition fair/good
Number of protected plants to be relocated on-site: 4 8'-10' tall, condition good
Number of protected plants to be relocated off-site: 1 Approx. 8' tall, Condition fair
Total number of plants affected: 5

Proposed Salvage Contractor: Tree Relocators, Inc.

Telephone Number: 602-376-9986

Please give a brief description of the native plant salvage plan including estimated date of salvage, place of relocation, and any other relevant information:

Seven saguaros and 2 octotillos on-site. Four saguaros to be relocated on-site after Demolition permit received approximately 12-1-19. One saguaro is unsalvageable due to it being in the right of way.

Attach this sheet to the Native Plant Inventory consisting of:

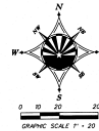
- 1) An Aerial photograph and/or site plan showing the location of all protected native plants within the area of disturbance; and
- 2) A Listing of the number, species, size, general condition, and salvage status of all protected native plants within the area of disturbance.

Return to Planning and Building Department with your building/demo/grading application. Only complete submittals will be accepted. Do not attempt to move any plant materials prior to permit issuance. Before requesting final inspection, Applicant will be required to submit a Native Plant Certification.

Applicant Signature: [Signature] Date: 11-6-19

NOTICE: Failure to comply with the Native Plant Preservation Plan shall cause immediate suspension of all inspection activity. In addition, any violation of the Native Plant Preservation Ordinance is a misdemeanor punishable by fine and/or imprisonment.

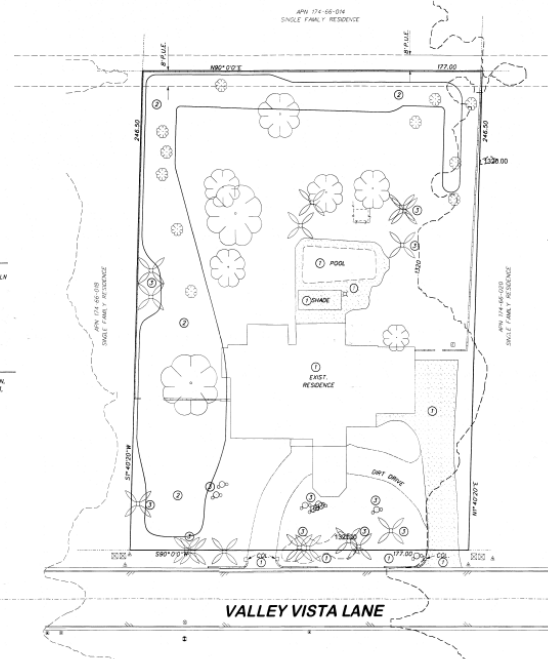
DEMOLITION PLAN



PREPARED FOR
BEN GRAY
BENJAMIN GRAY PROPERTIES, INC.
602-339-4826

SITE DATA
S.P. # 174-66-019
SITE ADDRESS 6823 E VALLEY VISTA LN
PARCEL AREA 4.847 S.F.
PARCEL ZONING R-4.3

LEGAL DESCRIPTION
LOT 17 TEEN (24) MODER VILLAGE FOURTEEN
ACCORDING TO BOOK 95 OF MAPS, PAGE 33,
RECORDS OF MARICOPA COUNTY, ARIZONA.



DEMO NOTES
① ITEMS TO BE REMOVED
② FUTURE RETENTION BASIN
③ NATIVE PLANTS TO REMAIN

NOTES

1. EXISTING PERIMETER WALL TO REMAIN.
2. REMOVE EXISTING WALL FROM PROPERTY LINE TO HOUSE (BOTH SIDES).



LEGEND

- FOUND MONUMENT (TYPE SHOWN)
- PROPERTY LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- FIRE HYDRANT
- WATER VALVE
- ELECTRIC JUNCTION BOX
- ELECTRIC TRANSFORMER
- WATER METER
- TELEPHONE JUNCTION BOX
- MASONRY WALL
- CONCRETE SURFACE
- SAGUARO CACTUS
- PALM TREE
- TREE
- PAVEMENT

DEMO PLAN
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4
EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



January 23, 2020

WHAT PLANTS ARE PROTECTED?

1. Trees that are over 4 inches in caliper

White Thorn Acacia

Catclaw Acacia

Foothill Palo Verde

Blue Palo Verde

Ironwood

Mesquite

2. Cacti which are three feet or greater in height

Saguaro

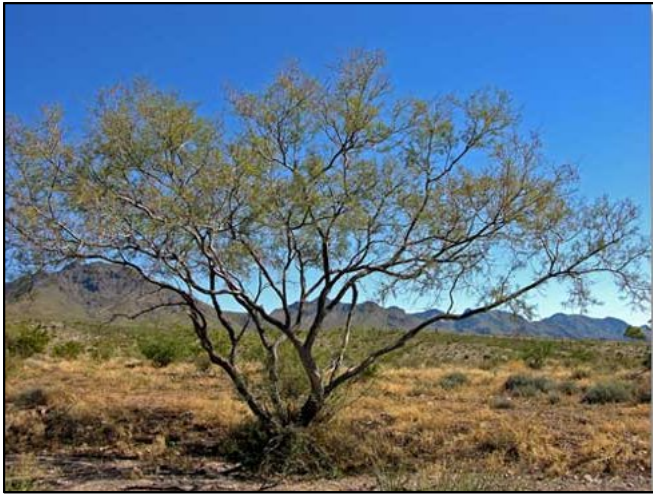
Barrel

Ocotillo

Desert Night Blooming Cereus



WHAT PLANTS ARE PROTECTED?



January 23, 2020



PENALTIES FOR NONCOMPLIANCE

- 1. Immediate suspension of all inspection activity**
- 2. Class 1 Misdemeanor**
- 3. Fine not to exceed \$2,500**
- 4. Imprisonment not to exceed 6 months**

Each day the violation continues constitutes a separate offense.



DISCUSSION ON POSSIBLE UPDATES

1. **Would the Council like to consider changing the threshold for when a Native Plant Preservation Plan is required (i.e. less than \$500k) on flatland lots?**
2. **Would the Council like to consider expanding the list to match the State list of protected native plants?**



TODAY'S GOAL

Provide information to the Town Council regarding Town Code and process concerning Native Plant Preservation.



January 23, 2020

THANK YOU

Additional Questions?



January 23, 2020



Action Report

File #: 20-045

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Jeremy Knapp, Community Development Director
Paul Mood, Town Engineer

DATE: January 23, 2020

DEPARTMENT: Engineering

AGENDA TITLE:
Discussion of Building Pad Height

SUMMARY STATEMENT:

Background

In anticipation of the Council's Planning and Zoning Process Retreat on January 30, 2020 staff wanted the opportunity to discuss with the Town Council one of the more frequent development related questions associated with new construction. When vacant lots are developed, or existing properties redeveloped building pad heights and overall allowable structure heights are often questioned.

Town Code Section 5-10-5, B,2, a states that *"The building pad shall not exceed two (2) feet in height except where required to protect the building against flooding, in which case the pad shall be one (1) foot above the water surface elevation of the 100-year event"*.

This section of the Town Code does not state where the height of the building pad shall be measured from and is open to interpretation. Historically, staff has interpreted the height of the building pad to be taken from the "natural grade" of the lot. This can create a situation where the building pad is not level. In order to get a level building pad, developers may add non-earthen material such as slurry, a thickened concrete pad or use stem walls and a framed floor to create a level building area. In the event that these construction methods are used to create a level building surface it does not change the elevation of the "lowest natural grade" from which the overall height of the structure is measured from.

BUDGETARY IMPACT:

No anticipated impact at this time.

File #: 20-045

ATTACHMENT(S):

Attachment A - PowerPoint Presentation

TOWN OF PARADISE VALLEY

BUILDING PAD HEIGHT

January 23, 2020



AGENDA

One of the most frequently asked questions associated with new residential construction is in regards to how the building pad heights are determined and what affects it has in the overall allowable height of a structure.

In anticipation of the January 30, 2020 Town Council Retreat staff wanted to provide an overview of how building pad heights and overall heights of structures are determined and answer any questions that the Town Council may have.

Agenda

1. Town Code Overview
2. Staff Interpretation
3. Example Building Pad
4. Example Project



TOWN CODE OVERVIEW

Town Code Section 5: Building & Construction

Town Code Section 5-10-5: Grading & Dust Control Regulations

Town Code Section 5-10-5, B: Grading Permits Required For Land Disturbance

- *“Filling” means dumping or depositing earthen material resulting in raising of the grade at that location.*
- *“Earthen Material” means any rock, natural soil or any combination thereof.*

Town Code Section 5-10-5, B,2, a: Grading Plans prepared by a Civil Engineer

- *The grading plan shall contain the preparing engineers certification of the 100 year water surface elevation and finished floor elevation.*
- *The building pad shall not exceed two (2) feet in height except where required to protect the building against flooding, in which case the pad shall be one (1) foot above the water surface elevation of the 100 year event*



STAFF INTERPRETATION

The building pad shall not exceed two (2) feet in height except where required to protect the building against flooding...

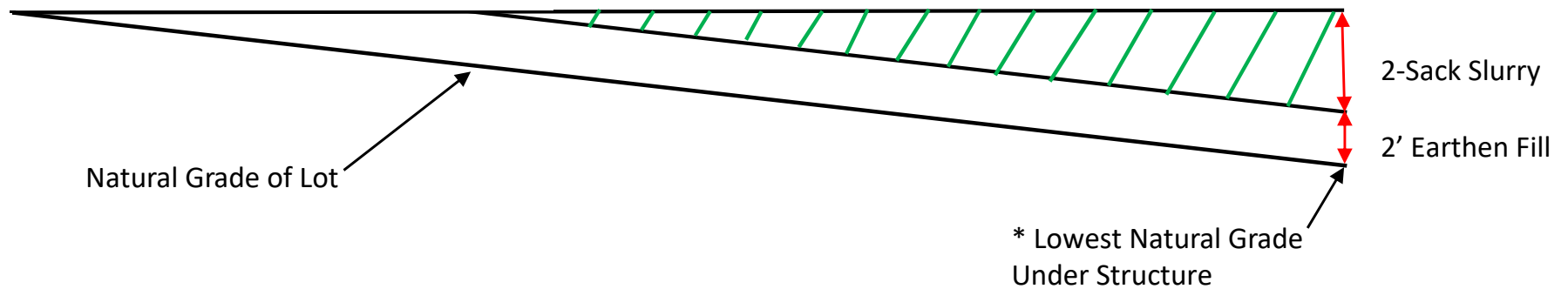
- Engineering staff interprets this section of the Town Code to mean that no more than 2 feet of earthen material may be placed following the natural contour of a property to raise up the building pad unless it is needed to protect the home from flooding.
- Developers and/or property owners desiring a single level home may achieve a level building pad by:
 - a. Addition of non-earthen material such as 2-sack slurry
 - b. Use stem walls and framed floor with crawl space
 - c. Thickened concrete slab



EXAMPLE (BUILDING PAD)



EXAMPLE (BUILDING PAD)

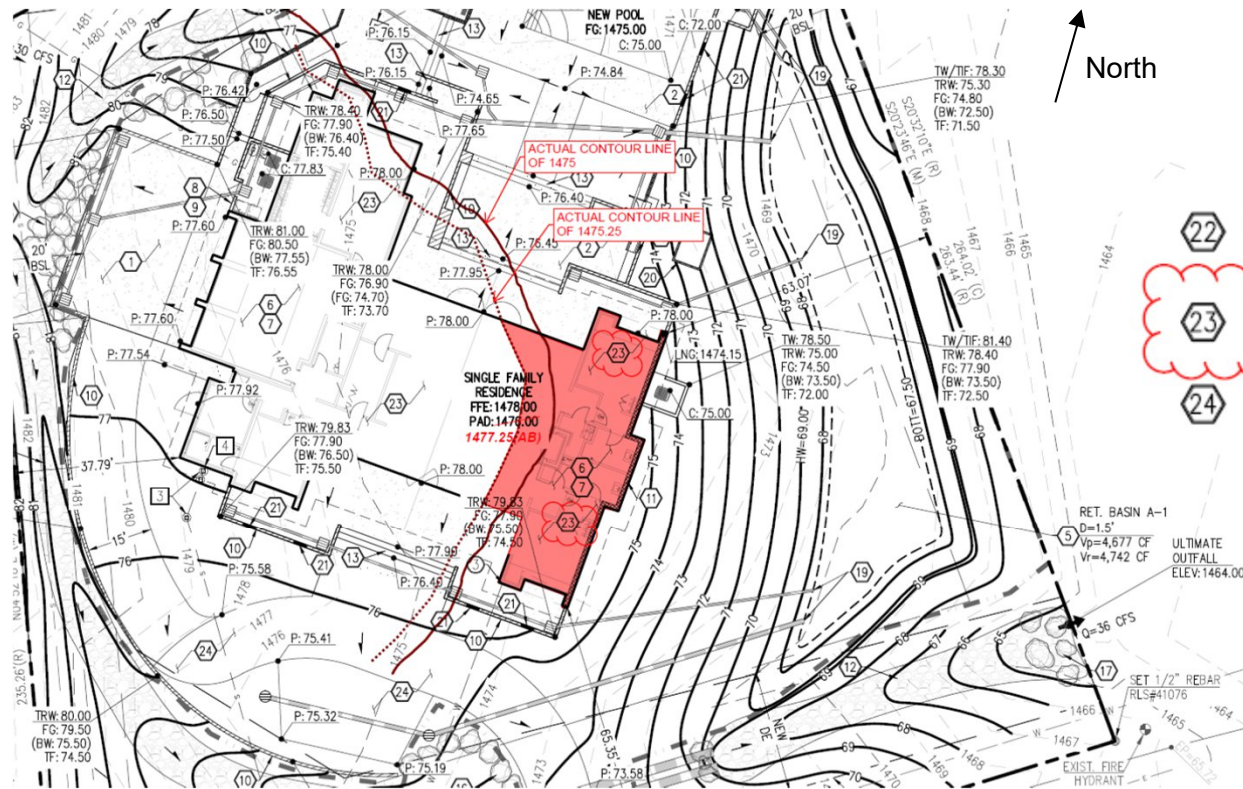


* Building height is measured from Lowest Natural Grade Under Structure

Not To Scale



EXAMPLE (1 ACRE LOT)

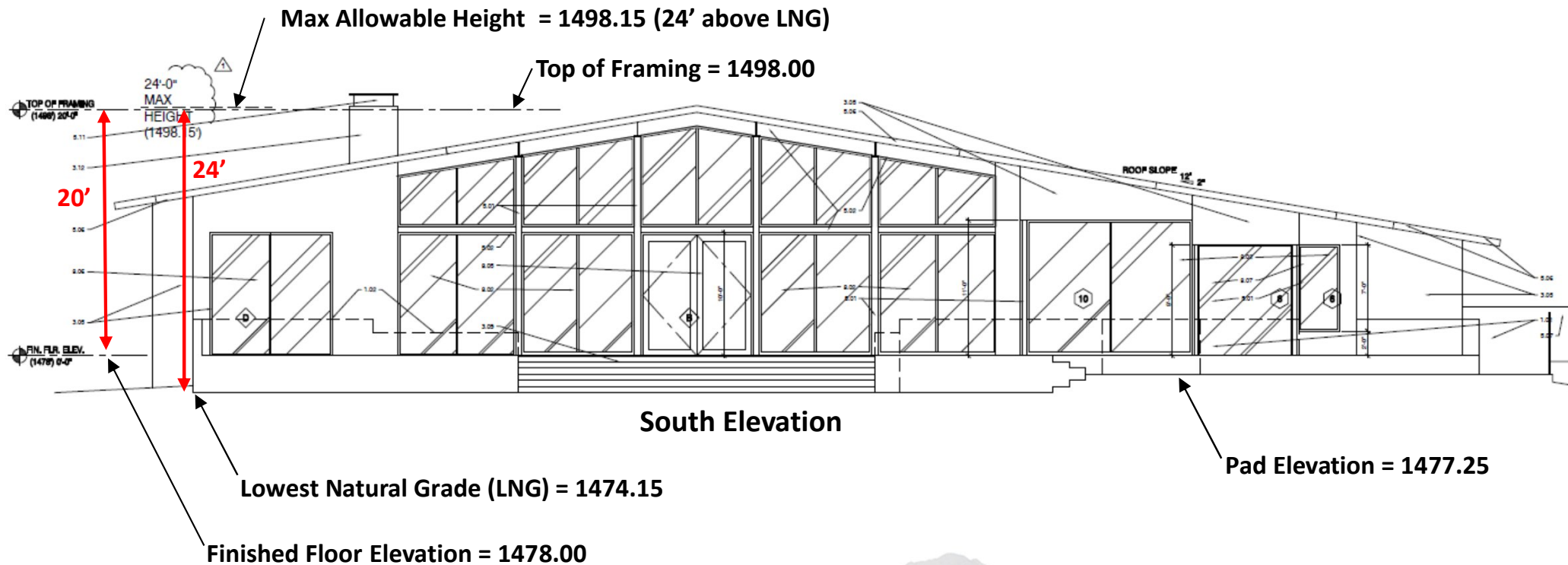


- 22 INSTALL ANGULAR RIP-RAP D50=8", 1.5' THICK PLACED ON NONWOVEN GEOTEXTILE FABRIC (MIRAFI N-SERIES OR APPROVED EQUAL). SEE GRADATION TABLE ON THIS SHEET.
- 23 POUR 2-SACK SLURRY MIX UP TO 8" BELOW FINISH FLOOR ELEVATION TO LIMIT EARTH FILL UNDER SLAB TO 2 FEET MAX.
- 24 CONSTRUCT STABILIZED DG PAVEMENT ON COMPACTED SUBGRADE PER LANDSCAPE AND ARCHITECTURAL PLANS AND SPECIFICATIONS.

Shaded area indicates use of 2-sack slurry to limit earthen fill under slab to a maximum of 2 feet.



EXAMPLE (1 ACRE LOT)



EXAMPLE (1 ACRE LOT)



South Elevation



EXAMPLE (1 ACRE LOT)



North Elevation



QUESTIONS?





Action Report

File #: 20-043

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager

DATE: January 23, 2020

DEPARTMENT: Town Manager

CONTACT:

AGENDA TITLE:
Discussion with Land Use Committee Members

SUMMARY STATEMENT:

In preparation for the Town Council's Planning Retreat at the end of January, the Mayor and Council will meet with each member of the Town's land-use committees (Planning Commission, Board of Adjustment, and Hillside Building Committee).

The Town Council will meet with the following members on January 23, 2020

4:00	Jon Newman	Board of Adjustment
4:10	Hope Ozer	Board of Adjustment
4:20	Rohan Sahani	Board of Adjustment
4:35	Scott Tonn	Hillside Committee
4:45	Scott Jarson	Hillside Committee
4:55	Eric Leibsohn	Board of Adjustment
5:10	Rick Chambliss	Board of Adjustment
5:20	Pamela Georgelos	Planning Commission

ATTACHMENT(S):
None



Action Report

File #: 20-050

Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Experience Scottsdale as authorized by A.R.S. §38 431.03(A)(4) and legal advice regarding pending litigation as authorized by A.R.S. §38 431.03(A)(3).



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 20-039

Discussion or consultation with the Town Attorney for legal advice regarding sanitary sewer system as authorized by A.R.S. §38-431.03(A)(3).



Action Report

File #: 20-038

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).



Action Report

File #: 20-041

TO: Mayor and Town Council Members

FROM: Jill B. Keimach Town Manager
Andrew M. Miller, Town Attorney
Diane Wayland, Legal Support Specialist

DATE: January 23, 2020

DEPARTMENT: Town Attorney

AGENDA TITLE:

Presentation of Paradise Valley Vintage Car Show Proceeds to the Sentinels of Freedom and the Military Assistance Mission.

RECOMMENDATION:

Present checks to the Sentinels of Freedom and the Military Assistance Mission on behalf of the Paradise Valley Veterans' Appreciation Vintage Car Show.

SUMMARY STATEMENT:

Each year the Town of Paradise Valley hosts a vintage car show benefiting Arizona's military families. This year approximately \$10,437.80 was raised. Representatives from the Car Show committee and the Sentinels of Freedom and the Military Assistance Mission will be present at the January 23, 2020 meeting for the presentation of the checks.

BUDGETARY IMPACT:

None.

ATTACHMENT(S):

None.



Action Report

File #: 20-049

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager

DATE: January 23, 2020

DEPARTMENT: Town Manager

CONTACT:

AGENDA TITLE:
Paradise Valley Arts Board Annual Update

SUMMARY STATEMENT:

Over the last several years, Town's various volunteer committees have provided annual updates to the Town Council. PV Arts Chair Janie Russo will present the annual update on the Board's activities.

ATTACHMENT(S):
2019 Annual Update Presentation



Town of Paradise Valley

PV Arts Board Annual Update
January 23, 2020



PV Arts Board Mission Statement

The **Arts Board** programs will enhance the possibilities for art appreciation for Paradise Valley residents and visitors. The **Arts Board** will help the Town to create and sustain a cultural and artistic environment which encourages local artists, collectors, students, and gallery owners to participate in educational and exhibition projects within the Town. This program will focus on local artists and art collections in the community because of the special talents available in the Town of Paradise Valley.

FY2020 PV Arts Board Members

Janie Russo, Chair

Carol Brecker

Kathy Duley

Jo Flittie

Mary Hamway

Natalie Montenegrino

Laura Paquelet-Carpinelli

Coleen Steinberg

Council Liaison: Mark Stanton

Staff Liaison: Sarah Meland

Student Art Show - February 27th

- The 5th consecutive Student Art Show will feature student artists from the Jones Gordon School
- The program has been a tremendous success
 - Supports art initiatives in Paradise Valley schools
 - Bring PV residents to Town Hall
 - Opportunity for the Town Council to encourage creativity and celebrate the accomplishments of student artists
- This community enhancing event is free to the public



Annual Featured Artist Exhibit

- The 2019 Town Hall Art Exhibit featuring Lynn Bellino has received positive feedback from Town residents and employees
- 100+ people attended the art opening on October 22, 2019
 - Thank you, Mayor and Town Council Members for attending!
- Colleen Steinberg designed two outdoor banners to be displayed on Lincoln and Invergordon to promote the show
- The 2020 Featured Artist will be Bobby Lee Krajnik



Key Questions

- In what ways can the Mayor and Council Members better assist and support the Arts Board with achieving their Mission Statement?
- Are there any topics the Mayor and Council would like the PV Arts Board to address?



Questions?





Action Report

File #: 20-017

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Peter Wingert, Chief of Police

DATE: January 23, 2020

DEPARTMENT: Police Department

AGENDA TITLE:
Advisory Committee on Public Safety Update

SUMMARY STATEMENT:
The Mayor and Council have asked for periodic updates from its boards and commissions. ACOPS Chair and Councilmember Andeen will review the purpose and the accomplishments during this presentation.

BUDGETARY IMPACT:
There is no budgetary impact to receiving this presentation.

ATTACHMENT(S):
PowerPoints titled "012320 ACOPS update 2020"

TOWN OF PARADISE VALLEY

Advisory Committee on Public Safety Update

January 23, 2020



ACOPS History

- On March 26, 2015, the Paradise Valley Town Council voted to approve Resolution 1330, which created the Advisory Committee on Public Safety (“ACOPS”).
- On June 25, 2015, the ACOPS group met for the first time.
- On October 26, 2017, the Paradise Valley Town Council voted to revised Resolution 1330 to make ACOPS a permanent committee.



FY 2020 ACOPS Members

- Councilmember Ellen Andeen
- Michael Cummiskey
- Tim Dickman
- Jeffrey Gaia
- Paul Moore
- Jay Ozer
- Ryan Woodydy



Key Question

- Would the Mayor and Councilmembers consider staggered terms for ACOPS members?



Advisory Committee on Public Safety Goals

1. Promoting resident participation and engagement.
2. Engaging the community on public safety issues.
3. Receiving presentations and materials from the Paradise Valley Police Department.
4. Advise the Mayor and Council on Committee activities and recommendations.



Promoting Resident Participation and Engagement

Public Meetings

- Semi-Annual Shred-A-Thon-May 5, 2019
- Special Olympics OTE fundraising at Cholla Trail- Every Saturday
- Tower Challenge-September 11
- Places of Worship Forum-September 17
- Pink Patch Project-Breast Cancer Fundraiser-October
- Fuel of Dreams-October 24, Special Olympics fundraiser
- Semi-Annual Shred-A-Thon-October 26
- National Drug Take Back Day-October 26, PVPD Lobby
- Breakfast with Champions-October 31
- El Chorro Tip a Cop Fundraiser-Special Olympics-October 28
- PVPD Annual Blood Drive-November 14
- Fill-a-Cruiser-August 3, November 23 and 27
- Over the Edge-December 7
- Sirens and Sleigh Bells-December 14
- Places of Worship Forum-February 4, 2020
- Citizen Safety Forum 2020-March 5, 2020

Ongoing Outreach

- Coffee with a Cop-1st Wednesday of each month at 7:30 am
- Blue Wednesday-Interaction with schoolchildren



Advise the Mayor and Council on Committee activities and recommendations

- Annual ACOPS Report to Council with feedback requested.
- Regular updates from Council liaison during Council meetings



What is working?

- Projects coming to fruition
 - Construction Site Checklist
 - Floor plans for schools and places of worship
 - Grassroots campaign on photo enforcement
 - Houses of Worship forums
 - Operational 501©3
 - Involvement in event presentations



Receiving Presentations and Materials from PVPD

- Special Olympics/Law Enforcement Relationship
- Public Safety Fair planning
- Strategic Plan review
- Police Explorer program
- EAGLE Training program
- Supporting PD staff



What needs modifying?

- Stagger member terms so they offset.
 - Carryover members provide ongoing historical knowledge
 - Consider appointments to mirror other committees



Questions?



Supporting slides

- Construction Update metrics
- Houses of Worship attendance and update
- Distracted Driving Summit & follow up event.
- Drug Summit week of March 2nd
 - Presentation by Arizona Department of Health Services on March 5th.
 - Opioid Addiction Awareness Day is March 6th





Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 20-040



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, January 9, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, January 9, 2020 at 3:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Jerry Bien-Willner
Council Member Ellen
Council Member Paul Dembow
Vice Mayor Scott Moore
Council Member Julie Pace
Council Member Mark Stanton
Council Member Anna Thomasson

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer Paul Mood
Chief Peter Wingert
Community Development Director Jeremy Knapp
Public Works Superintendent Jerry Cooper
Chief Information Officer Steven Brunasso
Chief Financial Officer Douglas Allen
Executive Assistance Sarah Meland

2. STUDY SESSION ITEMS

20-023 Town Hall Remodel: Ribbon Cutting Ceremony

The Mayor and Council assembled in the Town Hall lobby for a ribbon cutting ceremony for the recently completed remodel of the entry, lobby, Community Room, and IT office space. The Mayor acknowledged architect DWL Architects+, contractor CORE Construction, and staff members involved managing the project.

20-030 Census 2020 Update

Executive Assistant Sarah Meland briefed the Council on education and outreach efforts for the 2020 Census of the population. The Town will utilize the website, Town Reporter, Town of Paradise Valley Independent Newspaper, lobby display monitors, social media, and public comments to promote the importance of participation.

20-013 Discussion of Public Streets Pavement Condition Index (PCI)

Public Works Superintendent Jerry Cooper and Zac Thomason, Director of Client Services for Infrastructure Management Services, explained the Pavement Condition Index (PCI) rating system and the results of the assessment conducted on all Paradise Valley streets. On average, the Town's streets are in better condition than the national average with a PCI rating of 77 which falls in the "very good" category.

Mr. Cooper noted that residents may determine the maintenance schedule for roads in their neighborhood by viewing the "Planned Road Maintenance Map" on the Town's website.

20-026 Discussion with Land Use Committee Members

In preparation for the Town Council's planning retreat at the end of January, the Mayor and Council met with each member of the Town's land-use committees (Planning Commission, Board of Adjustment, and Hillside Building Committee) for their feedback on development issues. The Council heard from the following members:

Emily Kile	Board of Adjustment
Quinn Williams	Board of Adjustment
Thomas Campbell	Planning Commission
Charles Covington	Planning Commission
Orme Lewis	Planning Commission
Daran Wastchak	Planning Commission
Jonathan Wainwright	Planning Commission

A motion was made by Council Member Andeen, seconded by Council Member Stanton, to go into executive session at 5:15 PM to discuss items 20-028 and 20-029. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
Council Member Thomasson

3. EXECUTIVE SESSION

- 20-028** Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Super Bowl Host Committee as authorized by A.R.S. §38 431.03(A)(4).
- 20-029** Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations with Lincoln Plaza Medical Center as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the development area as authorized by A.R.S. §38 431.03(A)(3.)
- 20-027** Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Experience Scottsdale as authorized by A.R.S. §38 431.03(A)(4).
- 20-001** 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 Bien-Willner reconvened the meeting at 6:00 PM.

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner
Council Member Ellen Andeen
Council Member Paul Dembow
Vice Mayor Scott Moore
Council Member Julie Pace
Council Member Mark Stanton
Council Member Anna Thomasson

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer Paul Mood
Police Chief Peter Wingert
Community Development Director Jeremy Knapp
Chief Financial Officer Douglas Allen
Public Works Superintendent Jerry Cooper
Chief Information Officer Steven Brunasso

7. PLEDGE OF ALLEGIANCE*

Mayor Bien-Willner led the Pledge of Allegiance.

8. PRESENTATIONS**20-008 Public Safety Personnel Retirement System Board Annual Update**

Public Safety Personnel Retirement System Board Chair Jameson Van Houten presented the Board's annual update to Council. He stressed the importance of administrative consistency and support for the Board and its mission.

20-009 Hillside Building Committee Update

Hillside Building Committee Chair Scott Jarson presented the Committee's annual update to Council. The Committee suggested that the Council consider adopting an approved hillside plant list and place restrictions on planting grasses.

9. CALL TO THE PUBLIC

Resident David Selden presented his Paradise Valley rendition of Henry Wadsworth Longfellow's The Midnight Ride of Paul Revere.

Resident Phyllis Peshkin complimented Chairman Scott Jarson and advocated in favor of establishing a committee similar to the Hillside Committee to review development of flatland properties.

10. CONSENT AGENDA

20-002 Minutes of Town Council Meeting December 5, 2019

**20-007 Approval of a Lot Line Adjustment Request on Five Star Area C -
Located at 7000 E. Lincoln Drive**

Recommendation: Approve the Five Star Development lot line adjustment request for Area C
Lots 35-37.

A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
Council Member Thomasson

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

**20-014 Implement the FY2019-20 Pavement Maintenance Program by
Approving the Funds from Budget Line Item 20-40-871 Pavement
Maintenance Program to M.R. Tanner in the amount of
\$1,599,526.10**

Mr. Cooper presented recommendations for road maintenance surface treatments in Districts 5, 7, 8, and 13. There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Stanton, to award the following funds to M.R. Tanner in the amount of \$1,599,526.10 for a full mill and 1 1/2 asphalt overlay in Maintenance Districts 5 and 13 and to crack seal and apply Polymer Modified Master Seal (PMM) in Maintenance Districts 7 & 8. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
Council Member Thomasson

20-011 Adoption of Ordinance No. 2019-12, Amending Chapter 10, Offenses, by adding Article 10-14, adding a registration requirement by the property owner(s) of short-term rental properties and other related regulations.

Town Attorney Andrew Miller presented Ordinance 2019-12 adding a registration requirement for owners of short-term rental properties.

The Council discussed that this ordinance provides the Town with best tools allowed under current state law to regulate the negative consequences of residential property rental for transient lodging purposes, but it falls short of how the Town would regulate this activity if permitted to do so.

There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Dembow, to adopt Ordinance Number 2019-12. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
Council Member Thomasson

20-004 Election of Vice Mayor

Mayor Bien-Willner opened the floor for nominations. Vice Mayor Moore nominated Council Member Julie Pace. There were no further nominations.

There were no public comments.

A motion was made by Vice Mayor Moore, seconded by Council Member Andeen, to elect Council Member Pace to serve as vice mayor for calendar year 2020. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
Council Member Thomasson

13. FUTURE AGENDA ITEMS**20-025 Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized the future agenda schedule.

There were no motions to add any items to the future agenda list.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Andeen noted that it was law enforcement appreciation day. She presented an update from ACOPS. The Police Department will conduct an online community survey. She promoted the Town's Construction Safety Checklist as a way to deter construction site thefts.

Council Member Stanton expressed appreciation for Mr. Selden's public comments.

Council Member Dembow announced that the annual Martin Luther King Day celebration will be held at Town Hall on January 20 at 11:00 AM. He said the Distracted Driving Summit will be held at the State Capitol on January 22 from 8:30 AM to 3:00 PM.

Vice Mayor Pace provided an update on the PVMPT. The children's book called The Story of Camelback Mountain by Estelle Cohen and Pam Hait with illustrations by Sebastien Millon is on sale. Proceeds will benefit the Trust.

Council Member Moore announced that the Paradise Valley Veterans' Appreciation Car Show Committee will present the proceeds from the event to veterans' organizations at the next Council meeting.

15. STUDY SESSION CONTINUED**20-022 Discussion on the Designation of State Funding for Public Transit Programs**

Chief Financial Officer Douglas Allen updated the Council on options to allocate the Town's share of Arizona Lottery Funds. There was Council consensus to authorize staff to secure grant funding for:

- The trip reduction program
- Bus stop repair and maintenance
- Bus bay evaluation, design, and construction
- Ride shar voucher program

The last two items would require additional Council action before implementation.

20-024 Discussion on Amending Town code to Clarify Offices and Transaction Approvals

Mr. Allen presented draft Ordinance 2020-01 amending sections 3-1-2 and 3-2-6. The ordinance deletes the office of Deputy Town Manager and creates the office of Chief Information Officer. It also transfers the duty to co-sign checks from the Deputy Town Manager to the Chief Financial Officer.

There was Council consensus to schedule the ordinance for a vote at the next meeting.

Vice Mayor Pace declared a conflict of interest with the final Executive Session item. Her law firm represents Experience Scottsdale. Vice Mayor Pace and Council Member Stanton departed the meeting.

A motion was made by Council Member Thomasson, seconded by Council Member Andeen, to go into executive session at 8:00 PM to discuss item 20-027. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
Council Member Thomasson

16. ADJOURN

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

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Thomasson

Absent: 2 Vice Mayor Pace
Council Member Stanton

Mayor Bien-Willner adjourned the meeting at 8:46 PM

TOWN OF PARADISE VALLEY

SUBMITTED BY:

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, January 9, 2020.

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.

Duncan Miller, Town Clerk



Action Report

File #: 20-048

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Douglas Allen, CPA

DATE: January 23, 2020

DEPARTMENT: Finance

AGENDA TITLE:

Approve Resolution 2020-02 Amending the Fiscal Year 2019/20 Adopted Budget to Designate use of State Funding for Public Transit Programs

RECOMMENDATION:

Adopt Resolution 2020-02

SUMMARY STATEMENT:

ARIZONA LOTTERY FUNDS

The Town is eligible to continue receiving state shared revenues including "Arizona Lottery Funds" ("ALF"). ALF is restricted to be used for public transportation only. Historically, the Town has used ALF for Trolley services, bus stop maintenance and refurbishing, and trip reduction programs.

GENERAL FUND AND EXPENDITURE LIMITATION IMPACT

The Town is not required to match this grant and no general fund dollars are being directly used on these public transit programs. ALF is "exempt from" the annual expenditure limitation.

USE OF ALF

The adopted budget for fiscal year 2019/20 (July 1, 2019 - June 30, 2020) included limited designated uses of ALF with a Council directive of further discussions later in the fiscal year. Not included in the adopted fiscal year 2019/20 budget was bus stop maintenance budgeted to be completed in fiscal year 2018/19 was not needed and resulted in an additional \$6,271 carried to fiscal year 2019/20 for use.

In Council work sessions, the Mayor, Town Council and staff reviewed potential uses for ALF on November 7th and 21st and January 9th. Based on Council's feedback, staff has researched options and recommends designating ALF as follows.

- *FY2019 funding:* Bus stop maintenance \$1,000; Trip reduction \$7,500; and \$12,924 for “Other public transit programs” that includes 1) Bus bay evaluation, design and construction; and 2) Ride share voucher program for trailheads, medical services and resorts. These funds must be used by June 30, 2020 or revert to the grantor.
- *FY2020 funding:* Bus stop maintenance \$4,000; Trip reduction \$10,000; and \$24,000 for “Other public transit programs” that includes 1) Bus bay evaluation, design and construction; and 2) Ride share voucher program for trailheads, medical services and resorts. These funds must be used by June 30, 2021 or revert to the grantor.

Before executing any contractual commitments for bus bay construction or a voucher program, staff will bring for Council’s review and consideration.

CONTINGENCY

If any of the designated options are subsequently determined to not be allowed under the grant, then staff will bring back to Council during the FY2020/21 budget process for repurposing the use of ALF or revert to the grantor.

ATTACHMENT(S):

- 01 Resolution 2020-02 Budget Amendment for ALF
- 02 Adopted budget 2019/20 pages 165-166: Public Transit
- 03 LTAF II Guidelines

RESOLUTION NUMBER 2020-02

**A RESOLUTION OF THE MAYOR AND COUNCIL OF
THE TOWN OF PARADISE VALLEY, ARIZONA
AMENDING THE FISCAL YEAR 2019/20 ADOPTED
BUDGET TO DESIGNATE THE USE OF STATE
FUNDING FOR PUBLIC TRANSIT.**

WHEREAS, the Fiscal Year 2019-20 budget was adopted by Resolution 2019-12 on June 13, 2019;

WHEREAS, budget amendments are consistent with Generally Accepted Accounting Principles (GAAP) and recommended budgeted practices;

WHEREAS, the Town of Paradise Valley's Adopted Financial Management Policies requires the approval of the Town Council for the use contingency accounts in excess of \$25,000;

WHEREAS, the Town of Paradise Valley's Adopted Financial Management Policies requires the approval of the Town Council for shifts in appropriations within funds and in departments exceeding \$50,000;

WHEREAS, the Town of Paradise Valley's Adopted Financial Management Policies require that amendments to the capital improvement fund be approved by the Town Council;

WHEREAS, adjustments do not increase the total budget or enable the Town Council to increase spending in excess of the Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. Record the FY2019-20 budget amendment of \$44,424 for the Town's Public Transit programs funded by the Arizona Lottery Fund ("ALF") to designate the grants carried forward allocation of \$21,424 from FY2019 and estimated \$38,000 for FY2020. This budget amendment does not use General fund dollars and is exempt from the annual expenditure limitation.

Description	Current Budget	Budget Increase	Budget Reduction	Amended Budget
ALF FY 2019 Allocation:				
Bus stop maintenance	\$ 1,000	-	-	\$ 1,000
Trip reduction	7,500	-	-	7,500
Other public transit programs *	-	\$ 12,924	-	12,924
ALF FY 2020 Allocation:				
Bus stop maintenance	4,000	-	-	4,000
Trip reduction	2,500	7,500		10,000
Other public transit programs *	-	24,000	-	24,000
Contingency for:				
ALF (Public transit)	38,153	-	\$ (38,153)	-
AEL exempt programs and projects	5,392,254	-	(6,271)	5,385,983

* Other public transit programs: Bus bay evaluations, design and construction; and Ride share voucher programs for trailheads, medical services and resorts.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Paradise Valley this 23rd day of January 2020.

TOWN OF PARADISE VALLEY
a municipal corporation

Jerry Bien-Willner, Mayor

APPROVED AS TO FORM:

ATTEST:

Andrew M. Miller, Town Attorney

Duncan Miller, Town Clerk

PUBLIC TRANSIT



PROGRAM DESCRIPTION

Public transportation is recommended to be fully (100%) funded through funds distributed to jurisdictions from Valley Metro. The funding is from Arizona Lottery Fund (ALF); and the Deputy Town Manager acts as the program manager. No general fund resources were requested for public transportation programs in the 2019/20 budget.

Public transit is “defined as any service, vehicle(s), or support facility for a vehicle(s), intended for the purpose of conveying multiple passengers (i.e. typically 5 or more)” and “includes the planning and administrative support for such services”. Some “special needs”, “dial-a-ride”, or other demand-responsive or carpool vehicles may have less than 5 passengers. Services can be contracted with a transit provider.

Examples of eligible expenditures include, but not limited to:

- ▶ Fleet, buses, vans and paratransit vehicles;
 - ▶ Light and rapid rail construction projects;
 - ▶ Passenger shelters, bus stop signs, and similar passenger amenities;
 - ▶ Vehicle rehabilitation, remanufacture or overhaul;
 - ▶ Storage or maintenance facility construction or rehabilitation;
 - ▶ Provide access to bicycle transport, transit vehicles or to transit facilities;
 - ▶ Lease of equipment when lease is more cost effective than purchase;
 - ▶ Passenger information kiosks, scheduling technology, and weather information systems;
 - ▶ Fuel, oil and maintenance costs for vehicles;
 - ▶ Transit employee salaries;
 - ▶ Marketing and administration of programs to encourage reductions in travel and promote alternative modes such as carpooling, vanpooling, walking, bicycling, and alternative work schedules.
 - ▶ Marketing to advertise and promote transit service in the service area.
-

Funds under this program are required to be spend within two years of receipt. The table on the next page shows how the AFL funds have been used since FY2016/17.

The final grant submissions are typically due at the end of January. Staff will revisit this budget with Council before Thanksgiving to validate options for use of funds.

PUBLIC TRANSIT

► EXPENDITURES ◀

The below table summarizes the Town's previous uses of ALF. It is recommended to continue the trip reduction program and maintenance of the bus stops. It is estimated that the Town will have up to \$38,153 for other programs in FY2020 as designated "To be allocated".

PUBLIC TRANSPORTATION Table 1 - Expenditures by CATEGORY						
REVENUE BY SOURCE	Budget	Projected	Change	Change	Actual	Actual
USES BY CATEGORY	2019/20*	2018/19	\$	%	2017/18	2016/17
Beginning fund balance, July 1	\$ 15,153	\$ 17,570	\$ (2,417)	-14%	\$ 12,916	\$ 16,503
Plus: ALF Revenue	38,000	37,737	263	1%	38,721	37,616
Total Sources	53,153	55,307	(2,154)	-4%	51,637	54,119
Trolley services	-	25,000	(25,000)	-100%	25,200	25,200
Bus stop maintenance	5,000	4,737	263	6%	-	-
Trip reduction	10,000	10,417	(417)	-4%	5,417	2,283
Bus stop refurbish	-	-	-	n/a	3,450	13,720
To be allocated	38,153	-	38,153	n/a	-	-
Total Uses	53,153	40,154	13,153	32%	34,067	41,203
Ending fund balance, June 30	\$ -	\$ 15,153	\$ (15,307)	-100%	\$ 17,570	\$ 12,916

Continuing the Trolley services is an option but is not recommended with this budget. Further information on recommended use(s) of ALF will be brought to Council for discussion before Thanksgiving.

LTAf II PROGRAM GUIDELINES AND ELIGIBLE RECIPIENTS AND EXPENDITURES FOR PUBLIC TRANSPORTATION

INTRODUCTION AND GUIDELINES

Due to state budget cuts this program was discontinued earlier this year. This being the final distribution of LTAf II funding in the amount of \$5,366,000.00, which reflects collected funds from July 2009 – February 2010.

According to legislation enacted in 1998, cities, towns, and counties that receive \$2,500.00 or more in Local Transportation Assistance Fund II (LTAf II) funding annually are required to use the funding for public transportation. Additionally, a city, town, or county may enter into an agreement with a federally recognized Indian tribe for maintaining or operating public transit service provided by the Tribal government. Following is a general outline of eligible expenditures and recipients related to LTAf II funding.

As related to LTAf II, public transportation is defined as any service, vehicle(s), or support facility for a vehicle(s), intended for the purpose of conveying multiple passengers (i.e. typically 5 or more) and which meets applicable state and federal safety and accessibility laws, rules, and regulations. The definition also includes the planning and administrative support for such services. It is the intent of the legislation to provide funds to communities and counties for the purpose of providing transportation service that is open to the following populations (further defined in the Glossary):

- The general public;
- Elderly persons;
- Persons with disabilities;
- Welfare recipients and "low-income" persons engaged in employment activities.

LTAf II funding is distributed directly to cities, towns, and counties in Arizona. Once the distribution is received by the jurisdiction, eligible entities to provide public transportation include:

- Cities, towns, and counties and other governmental entities;
- Federally recognized Tribal Governments;
- Private, not-for-profit agencies;
- Private, for-profit transportation providers to the general public, elderly, persons with disabilities, welfare recipients and low-income persons needing transportation for work related activities.

This eligibility does not typically include "community service organizations" which are not open to the general public, or which do not otherwise provide special-needs or low-income/welfare-to-work employment transportation service for employment purposes.

Some "special needs," "dial-a-ride," or other demand-responsive or carpool vehicles may have capacity of less than 5 passengers, and include vehicle types such as sedans or station wagons. In the event such a vehicle is used for transit purposes, it should have appropriate external identification.

In order for a "community service organization" to receive assistance from LTAF II funds, its *primary focus* in the provision of transportation service must be to the general public and/or one of the specific groups noted above (i.e., it cannot provide "exclusive" service which limits by charter or other governing condition, scheduling, routing, capacity or other restrictions, availability to one or more of these groups).

In the case of private, not-for-profit agencies and private, for-profit transportation providers, the city, town, or county receiving the LTAF II funding must enter into a contract or grant agreement with the proposed operator to provide the transportation service that is approved by its governing body. The contract and/or grant agreement, accompanied by Board or Council resolution, must be available to ADOT as evidence of the agreement.

The funding is intended to be used within or proximate to the community or county receiving the LTAF II distribution. Jurisdictions may enter into agreements to share LTAF II funding to provide eligible public transportation services across jurisdictional boundaries in order to meet the mutual public transportation needs of the communities involved. Additionally, the funds may be utilized to provide "vouchers" or other remuneration for services rendered to for-profit transportation companies when there is clear evidence that the service is for the general public, special-needs population, or "low-income" and "welfare to work" employment services.²

LTAF II projects must conform to a regional transportation plan. Additionally, use of LTAF II funding implies that all applicable state and federal Civil Rights statutes are to be complied with in the provision of transportation services rendered with these funds, including but not limited to, Title VI of the Civil Rights Act (as amended) and the Americans with Disabilities Act (as amended). It is the responsibility of the LTAF II jurisdiction in receipt of the funds and any end-use (grant or subcontract) recipient to be familiar with all portions of State and Federal Motor Vehicle Safety Standards, Motor Carrier, and Motor Vehicle Division regulation requirements, restrictions, and conditions.

Continuing from previous years' statutory requirements, the locally-sourced matching fund ratios are as follows, and may not be comprised of all-or-partial federal funds:

For jurisdictions greater than 50,000 in population: 1:1 ratio or 100% of the grant amount, a.k.a. 50/50, the latter referring to 50% of the combined grant amount and minimum required local contribution. Example: A grant of \$100 needs to be matched by \$100 in local funds.

For jurisdictions less than 50,000 in population: 25% of the grant amount. A \$100 grant is matched with at least \$25 in locally-sourced funds. Additional local funds provided are an "over-match."

2 Year Expenditure Limit & Waiver

Funds distributed to eligible counties, and incorporated cities and towns must be utilized within a two-year timeframe. For example, LTAF II distributions received in SFY 2011 must be expended on or before February 28, 2013. LTAF II funding is distributed on an annual basis to cities, towns, and counties. In the instance an entity has not, or does not expect to, expend all of its funds within this timeframe, it must submit a letter to ADOT requesting a waiver if it wishes to retain those funds. **Waivers are granted for a maximum one (1) year**

extension. Granting of waivers is not automatic and requests are subject to ADOT or other State review. If an entity does not request a waiver—or otherwise does not meet the two-year expenditure limit—unspent funds are subject to remittance to the State Treasurer's Office to be redistributed into the statewide fund.

When LTAF II funds are utilized as vouchers or other remuneration for services, the grant recipients must document what conditions are placed on the provision of services, such as detail of fare structure, hours of operation, service area, eligible passengers, etc.

LTAF II ELIGIBLE PUBLIC TRANSPORTATION EXPENDITURES

Planning and Training Related Expenses

LTAF II funding may be used for transit planning studies or portions of planning studies focused on transit planning needs for the community. Additionally transit training activities are eligible. Included in this category are:

- Short and long range transit related plans and programs to develop, implement, or enhance transit patronage;
- Transit training for activities related to transit procurement and operations; and
- Transit related memberships in organizations and associations associated with transit activities.

Capital Expenses

Capital expenses include the acquisition, construction and improvement of public transit facilities and equipment needed for a safe, efficient and coordinated public transportation system. Examples of eligible capital expenditures include, but are not limited to:

- Buses;
- Vans or other paratransit vehicles;
- Light and rapid rail construction projects;
- Radios and communications equipment;
- Passenger shelters, bus stop signs, and similar passenger amenities;
- Bus "turn-out" lanes or bays;
- Wheelchair lifts and restraints;
- Vehicle rehabilitation, remanufacture, or overhaul;
- Storage and/or maintenance facility designed and used to house transit vehicles or equipment;³
- Car and van pooling vehicles;
- Extended warranties which do not exceed the industry standard;
- Operational support such as computer hardware or software;
- Installation costs; vehicle procurement, testing, inspection and acceptance costs;
- Construction or rehabilitation of transit facilities including design, engineering and land acquisition;
- Facilities to provide access for bicycles to transit facilities or equipment for transporting bicycles on transit vehicles;
- Lease of equipment or facilities when lease is more cost effective than purchase;
- The capital portion of costs for service provided under contract. Such costs are commonly referred to as the "capital cost of contracting" and include depreciation, interest on facilities and equipment, as well as those allowable capital costs that would otherwise be incurred directly, including maintenance;
- Transit related intelligent transportation systems, (e.g. passenger information kiosks, scheduling technology, vehicle locator or tracking systems, and road and weather information systems).

³ In order for a storage or maintenance facility or equipment to be eligible for LTAF II funding, their use must be primarily for "transit-specific" activities. A maintenance garage or parking lot that is used primarily for street maintenance equipment but occasionally services public transit vehicles would not be eligible unless the recipient agency's budget line-item specifically allocates a prescribed portion to transit use.

Operating Expenses

Operating expenses are considered those costs directly related to system operations. At a minimum, the following items are considered operating expenses:

- Fuel and oil for vehicles;
- Drivers' salaries and fringe benefits;
- Dispatcher salaries and fringe benefits;
- Licenses;
- Insurance
- Space rental (appropriate to transit related operations)
- Maintenance may be treated as either operating or capital for funding purposes.

Other Eligible Expenses

Additional expenses related to public transportation are also eligible for LTAF II funding. The eligible expenses include:

- Marketing and administration of Transportation Demand Management (TDM) programs to encourage reductions in travel and promote alternative modes of travel. Such programs would include:
 - Carpooling and vanpooling
 - Transit usage
 - Walking and bicycling⁴
 - Alternative work schedules
- Marketing to advertise and/or promote transit service in the service area.
- Expenses related to financial reporting requirements related to LTAF II.

Exceptions

If the grant recipient or end-use provider has a situation that varies from the eligible recipients and expenditures outlined above, it must contact ADOT to seek clarification regarding eligibility. Additionally, notification to the respective COG/MPO/RPTA apprising them of the request should occur.

⁴ Does not include the construction of bicycle or pedestrian facilities, such as sidewalks or bike lanes.

GLOSSARY OF TERMS

LTAf II -- Local Transportation Assistance Fund II (LTAf II) is legislated funding derived from Powerball lottery revenues and provides for additional public transportation funding in Arizona. HB 2565 is the original enabling legislation that governed the first two years of the LTAf II program (1999 and 2000). SB 1556, enacted in 2000, modifies HB 2565 with the primary intent being the application of more of the funding to transit use. Up until the SFY 2002 distribution, the majority of funding for the LTAf II program was derived from vehicle license tax (VLT) revenues. HB 2329 was passed in 2000 and replaced the VLT input with state general fund revenues.

This distribution reflects collected moneys from July 2009 – February 2010. Due to state budget cuts this program was discontinued in 2010, this being the final distribution in the amount of \$5,366,000.00 in 2011.

General public - Describes all individuals, regardless of age, race, minority status or physical or mental condition.¹

Elderly persons - Describes persons who are 60 years of age or older.¹

Persons with disabilities - Typically describes individuals with irreparable or otherwise chronic, long-term physical or mental impairments that impede significant life functions. As the term is used here, a "disability" does not typically imply or involve temporary or otherwise non-recurrent injury or impairment due to accident or illness.²

Programs funded by LTAf II which are focused on persons with disabilities may provide service to the general public as well as to welfare recipients and low income employment activities when service to these populations does not have a detrimental impact on service to its primary clientele group (i.e. scheduling, routing or documented conflict concerns regarding clientele-mix, as determined by the operator, within federal civil rights parameters).

Public Transportation or Transit - For the purposes of these application materials and the LTAf II Program in general, the terms "Public Transportation" and "Transit" are interchangeable.

Welfare Recipient and Low Income Employment Activities - Describes service which is oriented to persons who are either welfare recipients or are under the federally

¹A provider may place conditions on passenger age if it can document that it is not generally appropriate to its clientele group (such as a senior program), or cannot provide service to that individual(s) in a safe and responsive manner. An example of such a condition may be that service to a child under a specific age cannot be provided unless a travel assistant or guardian accompanies him/her. All operating policies should be spelled out by the provider in a transportation service policy or guidelines document. ²Situations may arise where it is permissible for a service provider to refuse to provide transportation to an individual(s). One such condition is when it can be documented that service cannot be provided in a safe and responsible manner to the individual(s), the passengers, or the driver/operator – based on an assessment of the individual's condition and/or behavior or driver/operator's skills and capabilities. See the Americans With Disabilities Act (ADA) for further detail on what limitations may be placed on boarding refusals or operator-initiated de-boarding actions en route. Also see the ADA for other limitations or

defined "low income" threshold (see following definitions), who require transportation to government or privately-sponsored employment or employment programs, including but not limited to traditional "welfare-to-work" programs such as Access to Jobs, Temporary Assistance To Needy Families (TANF), etc.

Welfare Recipient--An individual who receives or received aid or assistance under a state program funded under Part A of Title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); (110 Stat. 2110)) at any time during the three-year period before the date on which the applicant applies for a grant.

Low-Income Individual--An individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) including any revisions required by that section for a family of the size involved, as calculated by HHS. The 1999 guidelines were published in the March 18, 1999, (Volume 64, Number 52) Federal Register, page 13428-13430, and are available on the web at [<http://www.aoa.gov/network/99hhspov.html>].

required or otherwise advised service conditions such as service animals, medical equipment such as oxygen tanks, travel companions or assistants, etc.



Action Report

File #: 20-046

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Douglas Allen, CPA

DATE: January 23, 2020

DEPARTMENT: Finance

AGENDA TITLE:

Approve Ordinance 2020-01 Amending Town Code Chapter 3 to Clarify Offices and Transaction Approvals

RECOMMENDATION:

Adopt Ordinance 2020-01

SUMMARY STATEMENT:

RECOMMENDED ACTION

Based on Council direction on January 9, 2020, staff recommends approval of Town code amendments to clarify "Offices" and "Transaction Approvals". The amendments are to align Town code with organizational structure changes and maintain an adequate number of available check signers for continuity of operations.

PURPOSE

The purpose of the proposed code amendments is to align Town code with recent organizational structure changes by establishing the office of Chief Information Officer and maintain an adequate number of check signers for continuity of operations.

In December 2019, the Town's Organization structure was modified. Table 1 below shows some of the impacted functions and the department responsible for providing those services. Changes in the Town's organization structure and code are not necessarily always synonymous; autonomous changes do occur.

Table 1: Changes in department structures

Function / Service	Per Budget Documents - at Selected Dates				
	30-Jun-2009	09-Jul-2009	11-Jun-2015	31-May-2018	09-Jan-2020
Finance	Management Services Department	Finance Department	Department of Administration and Government Affairs	Division Reporting to the Town Manager	Finance Department
Information Technology	Management Services Department	Finance Department	Department of Administration and Government Affairs	Division Reporting to Deputy Town Manager	Information Technology Department
Town Clerk	Management Services Department	Finance Department	Town Manager's Office	Town Manager's Office	Town Manager's Office
Post Office	Management Services Department	Finance Department	Community Development	Community Development	Town Manager's Office
Alarm Support	Management Services Department	Finance Department	Department of Administration and Government Affairs	Police Department	Police Department
Engineering	Engineering Department	Community Development Department	Public Works Department	Engineering Department	Community Development Department

TOWN OFFICES

Section 3-1-2 of the Town Code establishes offices in the Town government. Below are the proposed changes for Council's consideration. The proposed change is to remove the Deputy Town Manager and add the Chief Information Officer. This would be the first inclusion of the Chief Information Officer as an office. Table 2 below show changes to the Town offices section of Town Code since 2009.

Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of **Deputy Town Manager**, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.

Table 2: Town offices

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-1-2: Additional Offices				
-	-	-	Deputy Town Manager	-
Police Chief	Police Chief	Police Chief	Police Chief	Police Chief
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Chief Financial Officer	Chief Financial Officer
Public Works Director	Public Works Director	Public Works Director	Public Works Director	Public Works Director
Planning and Building Director	Community Development Director	Community Development Director	Community Development Director	Community Development Director
Town Engineer	Town Engineer	Town Engineer	Town Engineer	Town Engineer
Town Clerk	Town Clerk	Town Clerk	Town Clerk	Town Clerk
Zoning Administrator	Zoning Administrator	Zoning Administrator	Zoning Administrator	Zoning Administrator
-	-	-	-	Chief Information Officer

AUTHORITY TO SIGN CHECKS

Section 3-2-6(N)(1)(2) of the Town Code authorizes specific positions to sign Town checks. Below are the proposed amendments for Council's consideration. The recommended change reverts back to the Chief Financial Officer ("CFO") being an authorized check signer and helps ensure adequate check signers are available when needed.

Table 3 below shows that various titles for the position serving as the Director responsible for the Finance Department have been an authorized check signer. In May 2018, the Chief Financial Officer replaced the Director of Administration and Government Affairs in all sections of Town code except for check signing. The Deputy Town Manager was authorized for check signing.

1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.

Table 3: Authority to sign checks

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-2-6 (N1): Powers & Duties; Authority to Sign Checks; \$25,000 or less				
Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
Mayor	Mayor	Mayor	Mayor	Mayor
Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Deputy Town Manager	Chief Financial Officer
Town Clerk	Town Clerk	Town Clerk	Town Clerk	Town Clerk
3-2-6 (N2): Powers & Duties; Authority to Sign Checks; greater than \$25,000				
Mayor	Mayor	Mayor	Mayor	Mayor
Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor
Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Deputy Town Manager	Chief Financial Officer

The attached file titled "03 Adopted 2018-12 Amend Chapter 3 Administration May 2018" is a highlighted red-line version of code amendments adopted May 2018.

INTERNAL CONTROLS

Internal controls for procurement are in Town Code Section 3-8-3 and the Town's administrative procurement procedures. The Town's auditors had validated this proposed code amendment would not create an internal control concern.

OTHER MUNICIPALITIES

Table 4 summarizes the results of a survey conducted by the Town's Finance department. The common theme of respondents was:

- Limited check signers;
- Same signers for all thresholds;
- Use of electronic signatures; and
- Emphasis on their strong internal controls.

Table 4: Survey respondents

Municipality	Authorized Check Signers									Threshold Method
	#1		#2		#3		#4		#5	
Phoenix	City Manager	and	City Clerk	-	-	-	-	-	-	All Checks Electronic
Scottsdale	Mayor	or	Treasurer / Chief Financial Officer	-	-	-	-	-	-	All Checks Electronic
Tempe	Deputy City Manager	and	Chief Financial Officer	-	-	-	-	-	-	All Checks Electronic
Buckeye	Mayor	and	City Manager	or	Chief Financial Officer	-	-	-	-	All Checks Electronic
Yuma (County)	Board Chair	and	Clerk of the Board	or	Chief Financial Officer	-	-	-	-	All Checks Electronic
Paradise Valley	Town Manager	or	Mayor	or	Vice Mayor	or	Deputy Town Manager	or	Town Clerk	\$25,000 Requires two Electronic
Paradise Valley	Mayor	and / or	Vice Mayor	if "or" then one of	Town Manager	or	Deputy Town Manager	-	-	Greater than \$25,000 Manual Signature
Most municipalities emphasis their strong internal controls										

RECOMMENDED ACTION

Based on Council direction on January 9, 2020, staff recommends approval of Town code amendments to clarify “Offices” and “Transaction Approvals”. The amendments are to align Town code with organizational structure changes and maintain an adequate number of available check signers for continuity of operations.

FUTURE CONSIDERATION

As part of a broader initiative to examine the Town’s financial processes and internal controls, staff may bring other options for checks and other financial transactions for Council’s consideration later in the year.

DOCUMENTS

Documents provided with the agenda item include the presentation slides and recommended code amendments in red-line version.

ATTACHMENT(S):

File #: 20-046

01_Presentation - Recommended Chapter 3 Amendments January 2020
02_Recommended Ordinance 2020-01 Amend Chapter 3 Administration

TOWN CODE CHAPTER 3

OFFICES AND CHECK SIGNERS



January 23rd, 2020

Recommended Action

Recommended Action

Approve Town code amendments to clarify “Offices” and “Transaction Approvals”

Purpose of amendment

Align Town code with recent organizational structure changes by:

- ✓ Establishing the Office of Chief Information Officer and
 - ✓ Maintaining an adequate number of check signers for continuity of operations
-

Organization structure changes in December 2019

Changes in the Town’s organization structure and code are not necessarily always synonymous; autonomous changes do occur.

The two recommended changes above are being presented related to December 2019’s restructure.



Recommended Amendments

Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of **Deputy Town Manager**, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.

#1

#2

N. Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: 463 465 488 579 584 599 623

1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.



TOWN CODE CHAPTER 3

OFFICES AND CHECK SIGNERS



January 23rd, 2020

ORDINANCE NUMBER 2020-01

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY TOWN CODE, CHAPTER 3, ARTICLE 3-1, SECTION 3-1-2, AND ARTICLE 3-2, SECTION 3-2-6 (N)(1-2); ALL CHANGES TO CLARIFY OFFICES AND TRANSACTION APPROVALS FOR THE DEPUTY TOWN MANAGER, CHIEF FINANCIAL OFFICER AND ADDING THE CHIEF INFORMATION OFFICER

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1: Article 3-1, Offices in General, Section 3-1-2, is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

CHAPTER 3 ADMINISTRATION

Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of ~~Deputy Town Manager~~, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.

Section 2: Article 3-2, Town Manager, Section 3-2-6 (N)(1-2), is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 3-2-6 Powers and Duties 447 463 465 488 579 584 599 623

The Town Manager shall be the Chief Administrative Officer of the government of the Town under the direction and control of the Mayor and Council except as otherwise provided in this chapter. He shall be responsible to the Mayor and Council for the proper administration of all affairs of the Town. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following subsections:

- A. General Administrative Supervision. Execute on behalf of the Mayor and Council general administrative supervision and control of the affairs of the Town, and enforce the provisions of this Code.
- B. Appointment and Removal of Officers and Employees. Appoint, remove, suspend, promote, and demote appointive officers and employees of the Town. He may recommend appointment and removal of the Attorney, and Magistrate. The power of appointment and removal of officers and employees is subject to all applicable ordinances, personnel rules, and regulations.
- C. Attendance at Council Meetings. Attend meetings of the Town Council with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services, or activities under his supervision upon which the Council shall be informed.
- D. Coordination of Administrative Functions. Coordinate the administrative functions and operations of the various departments, boards, divisions, and services of the Town government, and on its behalf carry out policies, rules, regulations, and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions, or services.
- E. Budget. Cause to be prepared and submitted to him by each department, board, division, or service of the Town government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages, and miscellaneous operating costs, to tabulate the same into a preliminary consolidated municipal budget and submit the same to the Town Council annually on the date specified by them, with his recommendations as to any increases, decreases, cancellations, transfers, or changes in any of the items included in all preliminary budget.
- F. Purchasing. Supervise the expenditures of all departments, divisions, or services of the Town government and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment, and material which may be required for any of such departments, divisions, or services, in compliance with Article 3-8 of this Code (Procurement and Materials Management). ^{87 447}
- G. Recommendations to Council. Analyze and supervise the functions, duties, and activities of the various departments, boards, and services of the Town government and of all employees thereof, and make such recommendations to the Town Council with reference thereto, as in his judgment will result, if made effective, in the highest degree of efficiency in the overall operation of the Town government.
- H. Development of Improvement Projects and Programs. Develop and organize necessary improvement projects and programs and aid and assist the Council and the various departments and boards in carrying the same through to a successful conclusion.

- I. Public Relations. Serve as a public relations officer of the Town government, and follow through and endeavor to adjust all complaints filed against any employee, department, or service thereof to the end that every effort may be made to satisfy all citizens that their Town government is being operated in their behalf with the highest degree of efficiency.
- J. Community Organizations. Cooperate with all community organizations whose aim and purpose it is to advance the spiritual and material interests of the Town and its residents to provide them with all reasonable assistance obtainable through the Town government within the limitations of the law.
- K. Personal Property of Town. Make and keep an up-to-date inventory of all personal property owned by the Town and recommend to the Town Council the purchase of new machinery, equipment, and supplies whenever, in his judgment, the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, equipment, etc., in use.
- L. Consolidation, Abolishment, Etc., of Town Offices. Make, or cause to be made, studies and surveys of the duties, responsibilities, and work of the personnel in the various departments and services of the Town government, and to recommend to the Town Council abolition or consolidation of positions whenever in his judgment, such action would increase efficiency in the administration of the Town government.
- M. Devotion of Time to Duties. Devote such time to his duties as shall be prescribed by the Town Council in the resolution authorizing his employment.
- N. Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: 463 465 488 579 584 599 623
1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
 2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.
- O. Additional Duties. Perform such other duties as may be required of him by the Mayor and Town Council, not inconsistent with the laws of the State or the ordinances of the Town.

Section 3: This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona,
this 23rd day of January 2020.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2020.

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney



Action Report

File #: 20-042

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Duncan Miller, Town Clerk

DEPARTMENT: Town Manager

AGENDA TITLE:
Consideration of Requests for Future Agenda Items

Council Goals or Other Policies / Statutory Requirements:
Resolution 2018-09: Town Council Rules of Procedure

RECOMMENDATION:
Review the current list of pending agenda topics.

SUMMARY STATEMENT:
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures, as adopted by Resolution Number 2018-09, any member of the Council may move to have the Town Manager add an item to a future agenda. Upon concurrence of two or more Council Members, which may include the Mayor, the item will be added to the pre-business meeting study session agenda within the next two regularly scheduled Town Council meetings.

Discussion on the motion to add an item to a future agenda shall be limited to the propriety of placing the item on an agenda and shall not include discussion on the merits of the topic itself.

BUDGETARY IMPACT:
None

ATTACHMENT(S):
Future agenda topics schedule

TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

January 17, 2020

01/30	02/13	02/27	03/12
<p>COUNCIL RETREAT 8:30 AM – 4 PM Town Hall Community Room</p>	<p>3 PM STUDY SESSION</p> <ul style="list-style-type: none"> Lincoln Plaza Medical Agreement Alarm Monitoring Service Enhancements Hillside Safety Manual Ambulance RFP Public Works Building Design Financial Management Policy Investment Policy Lincoln Median Island Designs Smoke Tree Resort SUP <p>EXECUTIVE SESSION</p> <p>PLEDGE LEADER</p> <p>PRESENTATION</p> <p>CONSENT</p> <ul style="list-style-type: none"> Resolution – ACOPS Staggered Terms <p>PUBLIC HEARING</p> <p>ACTION ITEMS</p> <ul style="list-style-type: none"> Lincoln Plaza Medical Agreement Ordinance Section 13-3 Fireworks <p>STUDY SESSION CONTINUED Committee Volunteer Interviews</p>	<p>3 PM STUDY SESSION</p> <ul style="list-style-type: none"> Jones Gordon School Art Opening 5:30 PM <p>EXECUTIVE SESSION</p> <p>PLEDGE LEADER</p> <p>PRESENTATION</p> <p>CONSENT</p> <p>PUBLIC HEARING</p> <p>ACTION ITEMS</p> <p>STUDY SESSION CONTINUED Committee Volunteer Interviews and ranking</p>	<p>3 PM STUDY SESSION</p> <p>EXECUTIVE SESSION</p> <p>PLEDGE LEADER</p> <p>PRESENTATION</p> <p>CONSENT</p> <p>PUBLIC HEARING</p> <p>ACTION ITEMS</p> <p>STUDY SESSION CONTINUED</p>

03/26	04/09	04/23	05/14
3 PM STUDY SESSION EXECUTIVE SESSION PLEDGE LEADER PRESENTATION CONSENT <ul style="list-style-type: none"> • Appointments to Committees, Commissions, and Boards PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM STUDY SESSION EXECUTIVE SESSION PLEDGE LEADER PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM STUDY SESSION EXECUTIVE SESSION PLEDGE LEADER PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM STUDY SESSION EXECUTIVE SESSION PLEDGE LEADER PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED

<u>Items to be scheduled</u> <ul style="list-style-type: none"> • Cox Video Services License Agreement • CenturyLink Video Services License Agreement • Cell Service Task Force Update • Mayor's Education Forum • Community Services Funding 	<ul style="list-style-type: none"> • MCI Wireless Proposal • Ordinance – Amending Chapter 12 Municipal Court • Training Manual for Commission and Boards • Legislative Event • Scooter/Bike Share Policy • Council Minutes Policy
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Action Report

File #: 20-018

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Peter Wingert, Chief of Police

DATE: January 23, 2020

DEPARTMENT: Police Department

AGENDA TITLE:

Discussion of Staggered Terms for Advisory Committee on Public Safety Members

SUMMARY STATEMENT:

In order to maintain continuity and pass on historical knowledge, staggered terms on committees are recommended. On many Town Committees, a three-year term is offered to individuals interested in filling the volunteer positions. The three-year term provides the committee some continuity and historical knowledge when new members come to the committee. The ACOPS appointment is currently a one-year appointment cycle. If all members were replaced at one time, the historical knowledge and continuity that the committee has gained would be lost.

BUDGETARY IMPACT:

There is no budgetary impact to modifying the terms of ACOPS members. Committee members would continue to be volunteers.

ATTACHMENT(S):

Resolution 2020-01

RESOLUTION NUMBER 2020-01

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE TERMS FOR MEMBERS OF THE ADVISORY COMMITTEE ON PUBLIC SAFETY

WHEREAS, the Mayor and Town Council established an Advisory Committee on Public Safety (the “Committee”) by Resolution Number 1330 on March 26, 2015 to preserve and improve the quality of life of Paradise Valley residents by assisting the Police Department and Community Resource Officer in engaging the community in a public dialogue on issues relevant to public safety, including prevention, enforcement, awareness and community/victim outreach; and

WHEREAS, Resolution Number 1330 placed an annual review and renewal requirement on the Committee; and

WHEREAS, in 2017 the Mayor and Town Council determined that it was in the best interest of the Town of Paradise Valley for the Committee to continue with its mission and adopted Resolution 2017-21 repealing the annual renewal requirement and;

WHEREAS, Resolution Number 1330 provided that the Committee shall be comprised of seven members who shall serve two-year terms; and

WHEREAS, the Council believes that in order to maintain stability and continuity of the Committee staggered terms of the Committee Members should be implemented.

NOW, THEREFORE, BE IT RESOLVED that Paragraph A of Resolution Number 1330 shall read:

A. The Committee shall be comprised of seven members who shall be appointed by the Town Council. All members shall be residents of the Town of Paradise Valley. Committee Members shall serve two-year staggered terms unless removed in accordance with Town Code or by a majority vote of the Town Council at a duly posted public meeting. The Chairperson of the Committee shall be the Town Council Member appointee. To implement the staggered terms, the Town Council shall determine during the 2021 volunteer appointment cycle which Committee members to appoint to a one-year term and which to appoint to a two-year term.

ADOPTED by the Town Council of the Town of Paradise Valley this 23rd day of January, 2020.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM

Andrew M. Miller, Town Attorney



Action Report

File #: 20-051

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager

DATE: January 23, 2020

DEPARTMENT: Town Manager

CONTACT:

AGENDA TITLE:

Discussion of Customer Service and Cost Savings Program

SUMMARY STATEMENT:

This item was scheduled at the request of the Town Council to discuss opportunities to acknowledge existing high-performing service levels and seek opportunities to further enhance customer service and encourage innovations that save taxpayer dollars.

ATTACHMENT(S):

PowerPoint Presentation



Customer Service and Cost Savings Program

Study Session

January 23, 2020

Excellent firms don't believe in excellence - only in constant improvement and constant change.

Tom Peters

Journey Toward Excellence and Transparency

- Limited government, and the protection of taxpayer dollars and the public's trust
- Have responsive, committed, conscientious staff
- Unusual support from the communities we serve (residents, applicants, developers, visitors)

Encourage Financial Efficiencies

- Through Budget process and departmental presentations to Council, request all departments highlight any FY2018-9 efficiencies
- Encourage multi-departmental process innovations that save taxpayer dollars in the future
- Develop a reward program to recognize previous and on-going efficiencies and upcoming initiatives (for example, support new departmental proposed initiatives; reward all involved in implementing a new program with a breakfast; publicly recognize departments that excel in saving taxpayer dollars, etc.)

Enhance Customer Service

Department heads/management recommend a quick, easy-to-respond-to survey for all Town “customers” to develop a customer baseline and allow for more refined improvement

Continually respond to customer survey and add an employee survey every two years with consistent questions to develop trends and compare responses to a baseline

One of the most important ingredients to good customer service is contented staff

Options

- Develop easy-to-respond-to customer surveys that can be taken immediately with a kiosk/counter computer
 - Results are immediate and anonymous
 - Share customer results with appropriate staff tasked with addressing and improving customer experience
- Schedule employee survey for March every two years (next: March 2020)
- Reward annually budget savings and efficiencies through budget process
- Encourage future innovation with a focus on saving taxpayer dollars through increased efficiencies



Next Steps

Staff Driven

- Implementation of short Customer Survey with Kiosk/Computer at Public Counters with one open-ended question.
- Development of dashboard and process for managing and responding to open ended question

Council Driven

- Development of Budget Process and Review/Selection of Recognition of Exceptional Efficiencies

Questions?

