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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, January 11, 2018**

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

Vice Mayor Bien-Willner called to order the Town Council Meeting for Thursday, January 11, 2018 at 3:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins arrived at 3:15 PM

Vice Mayor Jerry Bien-Willner

Council Member Paul Dembow

Council Member Scott Moore

Council Member Julie Pace attended by telephone conference call

Council Member David A. Sherf

Council Member Mark Stanton

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke

Town Attorney Andrew Miller

Town Clerk Duncan Miller

Police Chief Peter Wingert

Town Engineer Paul Mood

Deputy Town Manager Dawn Marie Buckland

Public Works Director Brent Skoglund

Engineering Services Analyst Jeremy Knapp

Planner George Burton

**2. STUDY SESSION ITEMS**

**18-019          Discussion of Luke Avenue Lot Line Adjustment/Re-orientation  
6430 E. Luke Avenue and 5602 N. Wilkinson Road**

Planner George Burton presented a request by Celebrity Homes LLC for approval of a lot line adjustment to re-orient two lots located at 5602 E Wilkinson Rd and 6430 E Luke Ave. He noted that there was no neighborhood opposition and the Planning Commission's recommendation to approve the lot line adjustment was unanimous. He stated that this item was scheduled for approval at the Council's January 25, 2018 meeting.

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

**18-020          Identification of Budget Goals for the Fiscal Year 2019 Budget;  
Review of the Capital Improvement Program process and the  
background on the Doubletree Street Improvement Project**

Town Manager Kevin Burke briefed the Town Council on Fiscal Year 2019 Budget review process. He presented data from the Legislative Budget Committee, the private economist Elliot D. Pollack, and data from Smith Travel Accommodation Report as a foundation for revenue expectations. He listed the Town Council's identified policy goals to start a dialogue on whether any of those goals required funding.

Engineering Services Analyst Jeremy Knapp summarized the Capital Improvement Program identification, scoring, and ranking, and implementation process. The Council suggested clarifying and formalizing the definitions used during the scoring process to provide consistency in the future.

Mr. Knapp described in detail the Doubletree Ranch Rd Improvement Project and the procurement process used to select the engineer. Mr. Burke clarified that the construction contract would come to Council as an additional approval step. There was Council consensus to proceed with the project as approved on December 7, 2017.

**18-035          Discussion of Amendments to Small Cell Ordinance**

Mr. Burke summarized the proposed changes to the Town's small cell ordinance. He stated that the amendments are in response to feedback received from the small cell provider community. The changes included removing the preference between the two objective design criteria; removal of language referencing noise and environmental laws in favor of a cross-reference to the federal and state law; and removal of the requirement for an illustration depicting the RF on a small cell antenna.

The Council suggested additional clarifications including a requirement that a log of facilities and their RF risks remain on file at Town Hall.

Mr. Burke stated this ordinance would be placed on a future agenda for approval.

### 3. EXECUTIVE SESSION

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, to go into executive session at 5:00 PM. The motion passed by the following vote:

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

- 18-028      Discussion and consultation with the Town Attorney for legal advice regarding safety considerations related to hillside development as authorized by A.R.S. §38-431.03(A)(3).
- 18-029      Discussion, consultation, and direction to the Town Attorney regarding the Town Council's position on the Development Agreement with Five Star Development as authorized by A.R.S. §38-431.03(A)(4).
- 18-041      Discussion, consultation, and direction to the Town Attorney regarding pending or potential litigation related to proposed license agreement for solid waste, recycling, and disposal services as authorized by A.R.S. §38-431.03(A)(4) and discussion and consultation with the Town Attorney for legal advice as authorized by A.R.S. §38-431.03(A)(3).
- 18-027      The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

### 4. BREAK

**5. RECONVENE FOR REGULAR MEETING**

Mayor Collins reconvened the meeting at 6:05 PM

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins

Vice Mayor Jerry Bien-Willner

Council Member Paul Dembow

Council Member Scott Moore

Council Member Julie Pace attended by telephone conference call

Council Member David A. Sherf

Council Member Mark Stanton

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke

Town Attorney Andrew Miller

Town Clerk Duncan Miller

Police Chief Peter Wingert

Deputy Town Manager Dawn Marie Buckland

Community Development Director Eva Cutro

Public Works Director Brent Skoglund

Senior Planner Paul Michaud

Engineering Services Analyst Jeremy Knapp

**7. PLEDGE OF ALLEGIANCE\***

Boy Scout Troop 441 led the Pledge of Allegiance.

**8. PRESENTATIONS\***

**18-031            Presentation of Paradise Valley Vintage Car Show Proceeds to the  
Sentinels of Freedom and the Military Assistance Mission**

Mayor Collins and Former Mayor and Co-Chair of the Paradise Valley Veterans Appreciation Vintage Car Show Committee Ed Winkler presented donation checks to Margy Bons, Executive Director of the Military Assistance Mission, and Wynn Tyner, Team Leader and Staff Sargent Ulysses Castaneda with the Sentinels of Freedom.

**18-010            Speak Up, Stand Up, Save a Life Month**

Mayor Collins presented a proclamation to Sarah Ruf in recognition of Speak Up, Stand Up, Save a Life Month.

**18-016 Mummy Mountain Preserve Trust Annual Update**

Joan Levinson, Chair of the Mummy Mountain Preserve Trust presented the annual updated to Council on the Trust's activities.

**18-009 Kevin Burke's ICMA 25 Year Service Award**

Mayor Collins recognized Town Manager Kevin Burke on the occasion of his 25 years in government service.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Mr. Burke summarized the items on the Consent Agenda.

**18-033 Minutes of Town Council Meeting December 7, 2017**

**Vice Mayor Bien-Willner moved to approve the Consent Agenda. It was seconded by Council Member Sherf and approved by the following vote:**

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

**11. PUBLIC HEARINGS**

There were no public hearings.

**12. ACTION ITEMS**

**18-018 Adoption of Resolution Number 2018-01: Accepting the FY2017 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports a.k.a. the Annual Audit**

Dennis Osuch, Principal with the accounting firm CliftonLarsonAllen presented the findings of the financial audit for Fiscal Year 2017. He stated that the audit concluded the Town's financial statements present fairly in all material respects. The Town received a clean audit

report, except that the Town recorded the PSPRS unfunded pension liability as a prepaid expense in error. He noted that this was corrected and the Town Council approved the appropriate budget adjustment to correlate with the expenditure.

There was no public comment.

**A motion was made by Council Member Stanton, seconded by Council Member Dembow, to adopt Resolution Number 2018-01: Accepting the FY2017 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports. The motion carried by the following vote:**

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

### **18-015 Election of Vice Mayor**

Mayor Collins nominated Jerry Bien-Willner to serve as Vice Mayor. There were no other nominations.

**A motion was made by Council Member Dembow, seconded by Council Member Sherf, to Elect Jerry Bien-Willner to serve as vice mayor for calendar year 2018 by acclamation. The motion carried by the following vote:**

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

Presiding Judge Tyrrell Taber administered the Oath of Office to Vice Mayor Bien-Willner.

## **13. FUTURE AGENDA ITEMS**

### **18-030 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda schedule. There were no additions to the future schedule.

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

Council Member Stanton reported on the Experience Scottsdale meeting he attended.

Council Member Pace reported that a team of 13 Paradise Valley Police Officers and volunteers went "over the edge" and raised approximately \$16,000 for the Special Olympics on December 9, 2017.

**18-039                      Manager Comments**

Mr. Burke provided a summary of the Town's accomplishments in 2017.

Mayor Collins recessed the meeting at 7:14 PM.

**15. STUDY SESSION CONTINUED**

Mayor Collins reconvened the meeting at 7:20 PM.

**18-032          Consideration of Paradise Valley Municipal Court's Appointment and Retention of Volunteer Judges Policy**

Presiding Judge Tyrrell Taber and Court Administrator Jeanette Wiesenhofer presented a draft policy outlining the selection and retention process of the court's volunteer judicial officers. Ms. Wiesenhofer stated that the policy is consistent with processes used in other courts and provides for transparency.

There was consensus to adopt this process as a bench policy for the next review and appointment cycle. The Council asked to revisit the policy after the next cycle of appointments and determine at that time whether to adopt the procedure by ordinance.

**18-017          Cost Recovery for Fees and Charges**

Deputy Town Manager Dawn Marie Buckland briefed Council on the Community Development Department fee schedule study that was conducted in 2017. When the fees proposed fees were adopted on March 23, 2017, most fees were based on 100% cost recovery. A policy decision was made to reduce fees based on a 50% cost recovery for those categories with a public benefit, i.e. schools, government buildings, and places of worship. It was later learned that the same cost reduction formula was not applied to Managerial and Minor Special Use Permit fees for schools, government buildings, and places of worship.

There was Council consensus to authorize 50% cost recover for managerial and minor SUP amendments for schools, government buildings, and places of worship.

**18-036          Legislative Update**

Ms. Buckland briefed the Town Council on bills introduced into the legislature of interest to the Town.

**18-034          Review CIP Project Related to Town Campus Remodel and Review Scope of Work of a Contract to DWL Architects in an Amount Not to Exceed \$420,000.00 for Architectural Services.**

Mr. Burke summarized the capital improvement project to remodel Town buildings. He summarized the need for the project, the proposed architectural service contract, and the anticipated cost and timeline.

There was not support to proceed with the full architectural services contract without additional information. It was agreed to proceed with the initial project tasks to get to the 30% plans stage and bring them to Council for review in study session.



**A motion was made by Council Member Stanton, seconded by Vice Mayor Bien-Willner, to go into executive session at 8:50 PM. The motion carried by the following vote:**

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

**16. ADJOURN**

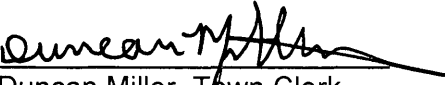
**Council Member Dembow moved to adjourn. Vice Mayor Bien-Willner seconded the motion which passed by the following vote:**

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

Mayor Collins adjourned the meeting at 11:40 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

  
Duncan Miller, Town Clerk

STATE OF ARIZONA )

:SS.

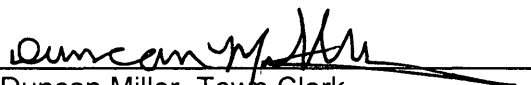
COUNTY OF MARICOPA )

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 11, 2018.

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