

TOWN
Of
PARADISE VALLEY



TOWN COUNCIL
Scott P. LeMarr, Mayor

Mary Hamway, Vice Mayor
Paul E. Dembow
Vernon B. Parker

Michael Collins
Pam Kirby
Lisa Trueblood

Thursday, February 9, 2012
3:30 pm

Meeting Location: Town Hall 6401 E. Lincoln Drive, Boardroom
MEETING NOTICE AND AGENDA

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. WORK/STUDY DISCUSSION ITEMS

Work/Study 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 is subject to change.

- a. Discussion of Mountain Shadows Special Use Permit Application** **30 minutes**
Staff Contact: Eva Cutro, Community Development Director, 480-348-3522
- b. Scottsdale Convention and Visitors Bureau Annual Report** **30 minutes**
Staff Contact: James C. Bacon, Jr., Town Manager, 480-348-3690
- c. Discussion of Echo Canyon Shuttle Service and Parking** **30 minutes**
Staff Contact: William C. Mead, Town Engineer, 480-348-3529
- d. Discussion of Council Rules, Procedures, and Schedule** **30 minutes**
Staff Contact: James C. Bacon, Jr., Town Manager, 480-348-3690

3. EXECUTIVE SESSION

Notice is hereby given that the Town Council may adjourn into Executive Session at one or more times during the meeting. Executive Sessions are not open to the public.

- a.** Discussion of Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03.A.1.
- b.** The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.03.A.3

Meeting Location: Town Hall Council Chambers
Approximate Start Time: 6:30 p.m.

4. RECONVENE FOR REGULAR MEETING

5. ROLL CALL

6. PLEDGE OF ALLEGIANCE*

7. PRESENTATIONS*

a. Presentation of Years of Service Awards to Volunteer

Recommendation: Present years of service awards to volunteers who serve on the town's advisory boards, commissions, committees, and municipal court.

Staff Contact: James C. Bacon, Jr., Town Manager, 480-348-3690

8. 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 have discussion 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 put 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.**

9. MAYOR / COUNCIL / MANAGER REPORTS

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.

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.**

a. Minutes of Town Council Meeting January 26, 2012

b. Approval of Special Event Liquor License for Saint Barnabas on the Desert Episcopal Church

Recommendation: Approve a Special Event Liquor License for St. Barnabas on the Desert Episcopal Church for an event on February 25, 2012, subject to the stipulations in the action report.

Staff Contact: Duncan Miller, Town Clerk, 480-348-3610

c. Authorization to Apply for Energy and Efficiency Conservation Block Grant

Recommendation: Authorize staff to apply for an Energy and Efficiency Conservation Block Grant to replace the remaining 12 double-headed lights along the Tatum Curve with energy efficient LED lights and deflectors.

Staff Contact: Eva Cutro, Community Development Director, 480-348-3522

d. Approval of Extension of Ambulance Transportation Agreement between the Town of Paradise Valley and Professional Medical Transportation, Inc

Recommendation: Authorize the Town Manager to execute a two-year extension of the Ambulance Transportation Agreement between the Town of Paradise Valley and Professional Medical Transportation, Inc, said extension to run to February 17, 2015.

Staff Contact: Andrew M. Miller, Town Attorney, 480-348-3691

e. Approval of Annual Maintenance Agreement for the Police Records Management and Computer Aided Dispatching Software

Recommendation: Authorize the Town Manager to approve payment for annual software maintenance support of the computer-aided dispatch/records management system in the amount of \$41,308.

Staff Contact: David Andrews, Finance Director, 480-348-3555

11. PUBLIC HEARINGS

None

12. ACTION ITEMS – The Town Council May Take Action on Any of These

Matters. 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.

None

13. ADJOURN

AGENDA IS SUBJECT TO CHANGE

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

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

MEMORANDUM

TO: Mayor LeMarr and Members of the Town Council
FROM: Jim Bacon, Town Manager
DATE: February 2, 2012
SUBJECT: FEBRUARY 9, 2012 STUDY SESSION AGENDA

Five items will be discussed at next Thursday's study session. A brief summary of each item follows.

MOUNTAIN SHADOWS

JDM has submitted a pre-application and staff has reviewed it. We will discuss both documents. JDM is working to prepare an application. If they submit the application before Wednesday, staff will include a discussion of the application as well.

SCVB REPORT

The town and the SCVB entered into a five year agreement in 2010. Rachel Sacco will present the 2011 results and offer comments about the agreement's expected performance in 2012.

ECHO CANYON PARKING

The Phoenix Park Board met on January 26 to discuss this matter. Staff will update you on the meeting and review the options still under consideration. Background information prepared by Bill Mead is enclosed.

TOWN COUNCIL RULES

The Town Council has asked that staff review and suggest revisions to the existing rules. We have done that. The enclosed document represents the suggested revisions.

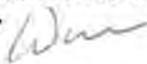
Sixty minutes is expected to be necessary for the executive session and 18 residents will be recognized during the business meeting for their service to the town so maintaining the schedule will be particularly important.

Please contact me if you have questions about any of these items.

Enclosures: (2)

Memorandum

TO: Honorable Mayor and Town Council

FROM: James C. Bacon, Jr., Town Manager
Eva Cutro, Community Development Director 
William C. Mead, Town Engineer 

DATE: February, 9 2011

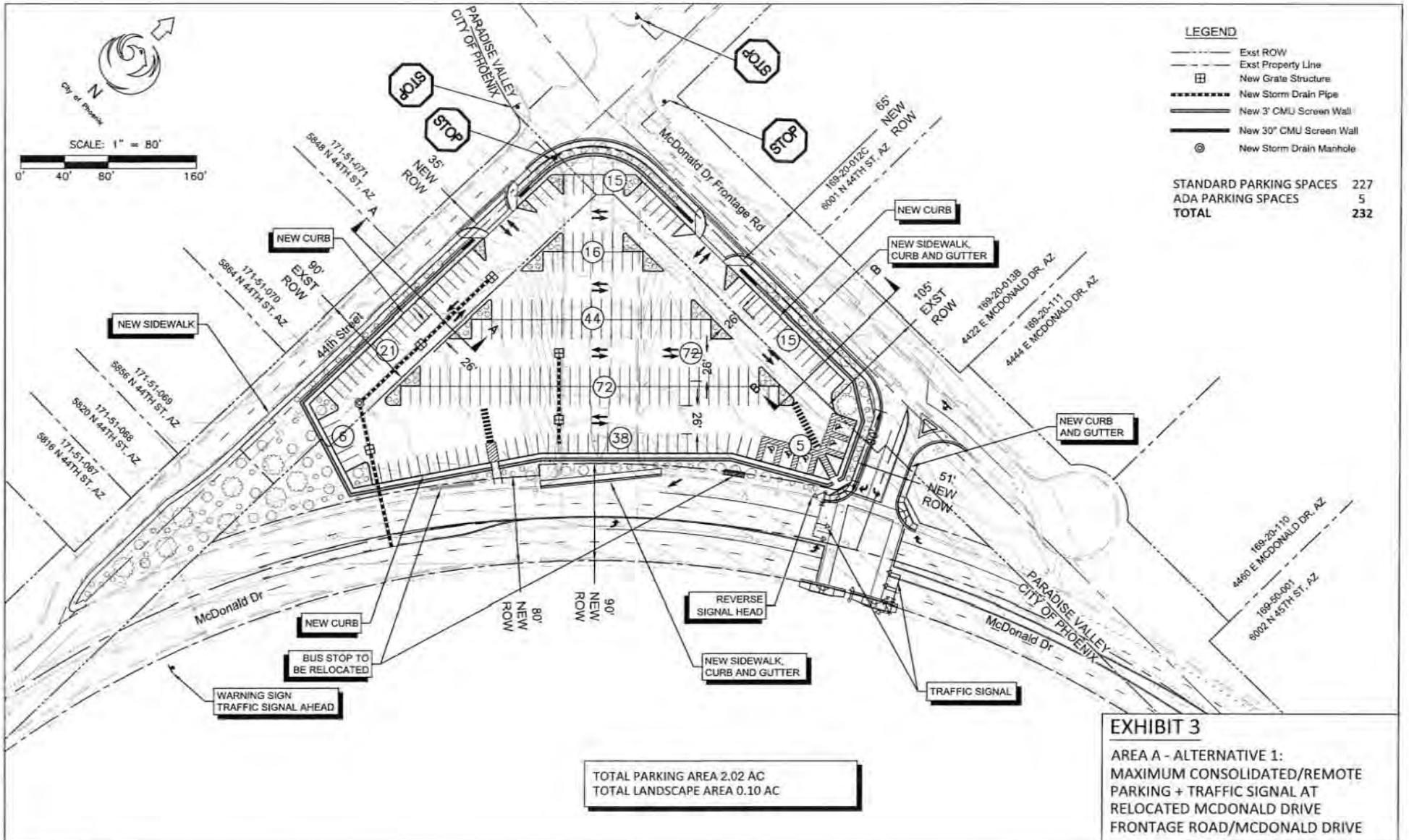
SUBJECT: Discussion of Echo Canyon Parking at Phoenix Parks and Recreation Board Meeting

Background

On January 26, 2012 the City of Phoenix Parks and Recreation Board held a public meeting to present various design scenarios accommodating hiker parking at Echo Canyon trailhead and hear public testimony. The meeting went very well with Paradise Valley being portrayed as working closely with Phoenix staff, cost participating in the engineering study and being responsive to both Paradise Valley as well as Phoenix residents. Approximately 50-60 people were in attendance for the Echo Canyon Parking with 25 people submitting speaker cards. The great majority of speakers were positive requesting that the City move quickly.

Discussion

City of Phoenix staff presented the conceptual drawings that were prepared by our consulting engineer. Based on staff recommendations, the Board dismissed further consideration for the 44th Street/McDonald Drive parking area as well as expansion of the 32nd Street/Lincoln Drive trailhead parking area. This recommendation was based on Town and citizen input and will eliminate parking alternatives 3, 4, 7 and 12 from further consideration (see attached plan concepts). It was further recommended that the consulting engineer refine concept plans 8, 9 and 11 and provide cost estimates for each. Phoenix staff also asked that the engineer create a new alternative blend of concept 9 and 11. Plans 8 and 9 are similar and provide an entryway for the Echo Canyon Estates homeowners and a separate ingress egress for the hiker traffic. These two plans are supported by the majority of residents living in the area. Plan 11 is a concept that creates more of a scenic park area with less parking than currently exists today. If #11 were to be built as indicated, there would still be parking issues that would necessitate building parking spaces somewhere in the Town. Town staff will present the Phoenix staff recommendations and answer questions.



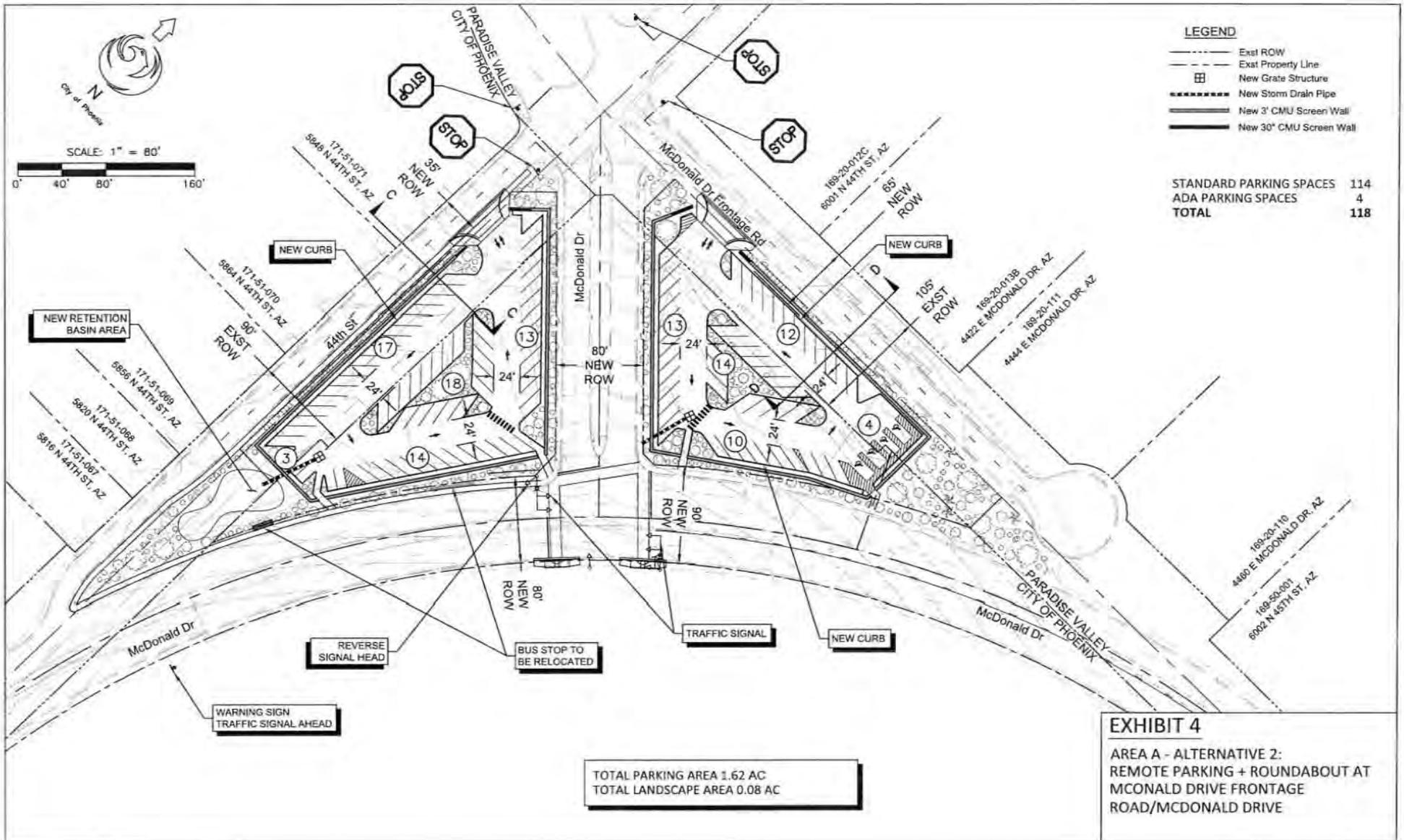
LEGEND

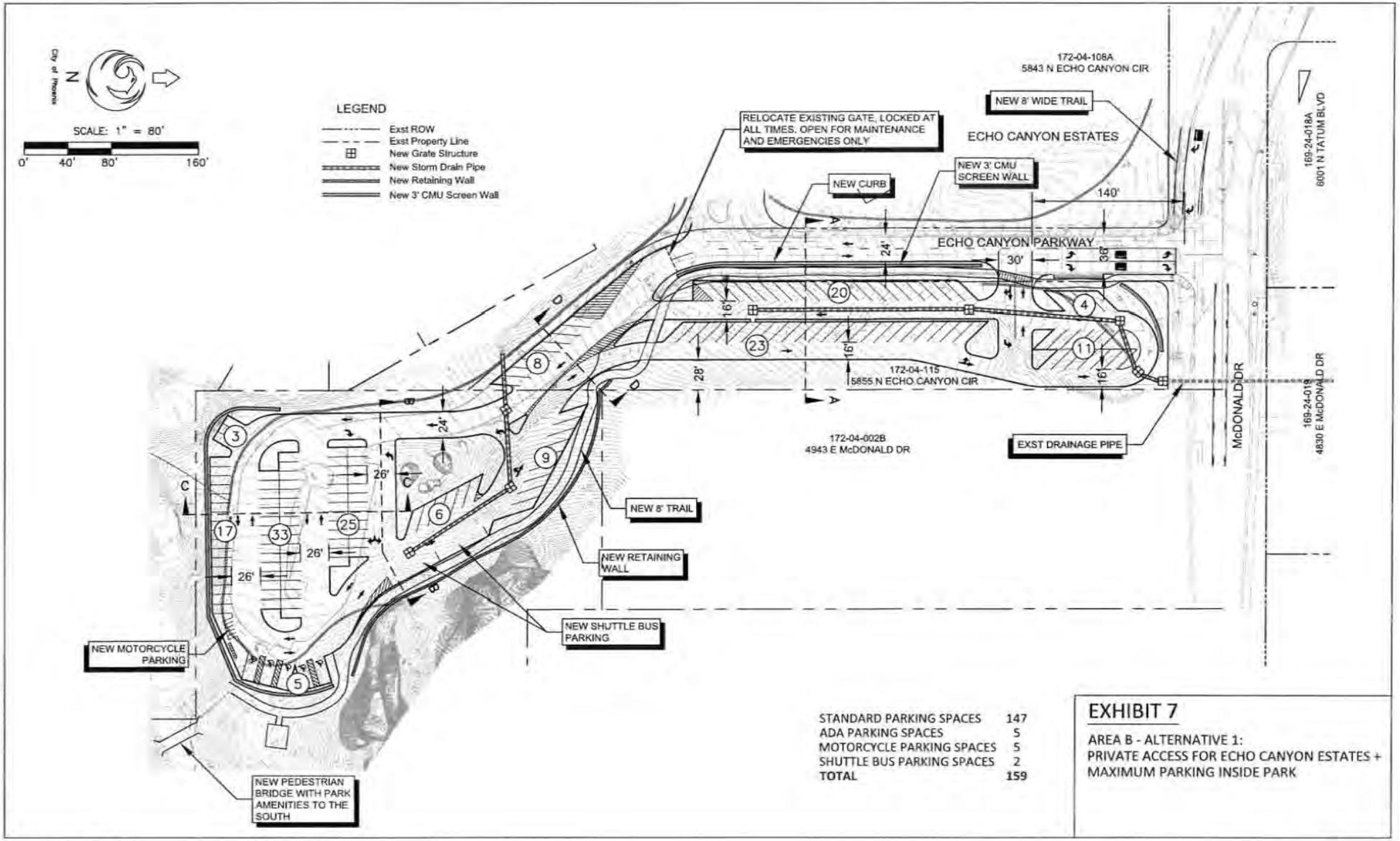
- Exst ROW
- Exst Property Line
- ▣ New Grate Structure
- New Storm Drain Pipe
- ▬ New 3' CMU Screen Wall
- ▬ New 30" CMU Screen Wall
- ⊙ New Storm Drain Manhole

STANDARD PARKING SPACES	227
ADA PARKING SPACES	5
TOTAL	232

TOTAL PARKING AREA 2.02 AC
 TOTAL LANDSCAPE AREA 0.10 AC

EXHIBIT 3
 AREA A - ALTERNATIVE 1:
 MAXIMUM CONSOLIDATED/REMOTE
 PARKING + TRAFFIC SIGNAL AT
 RELOCATED MCDONALD DRIVE
 FRONTAGE ROAD/MCDONALD DRIVE





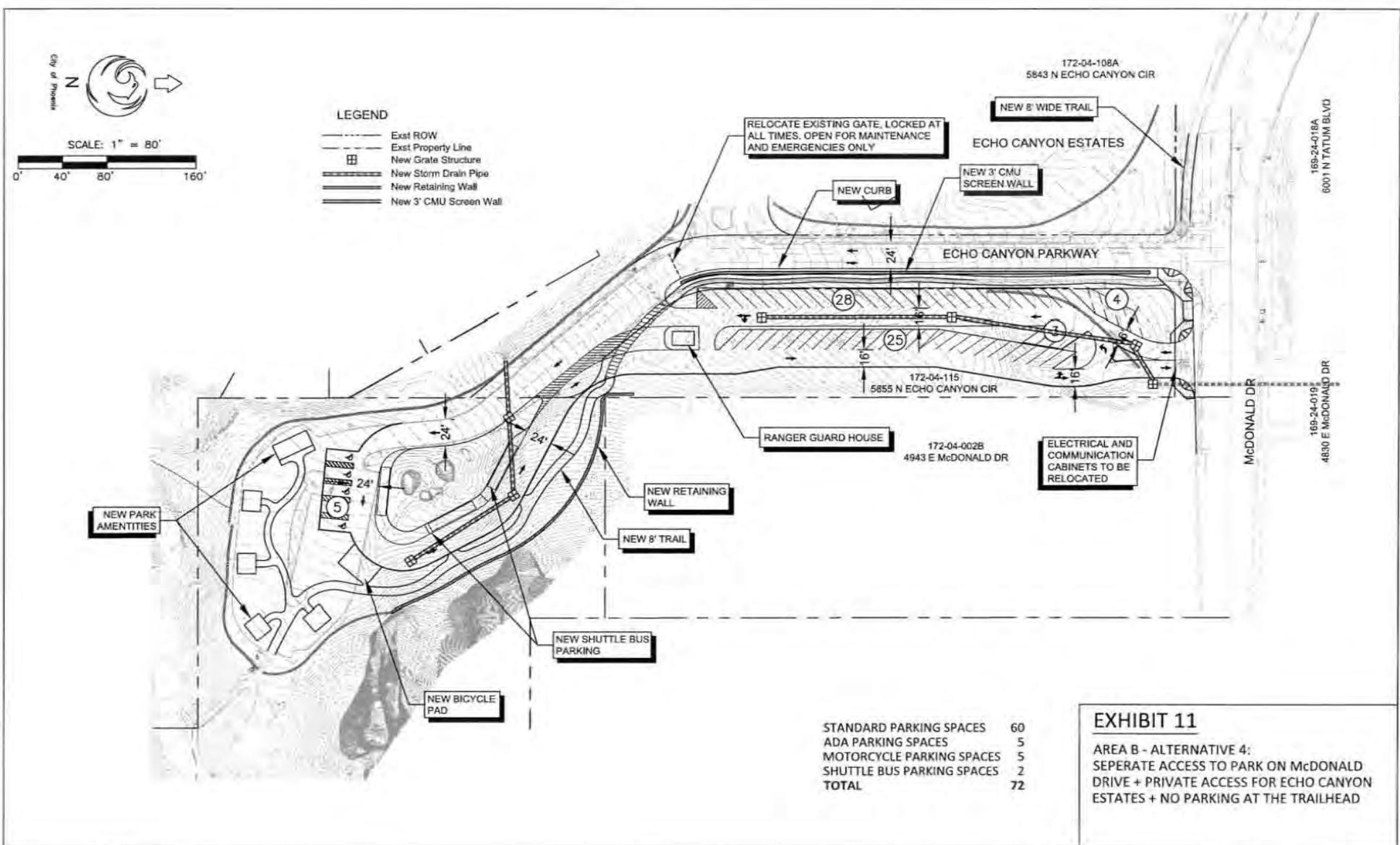
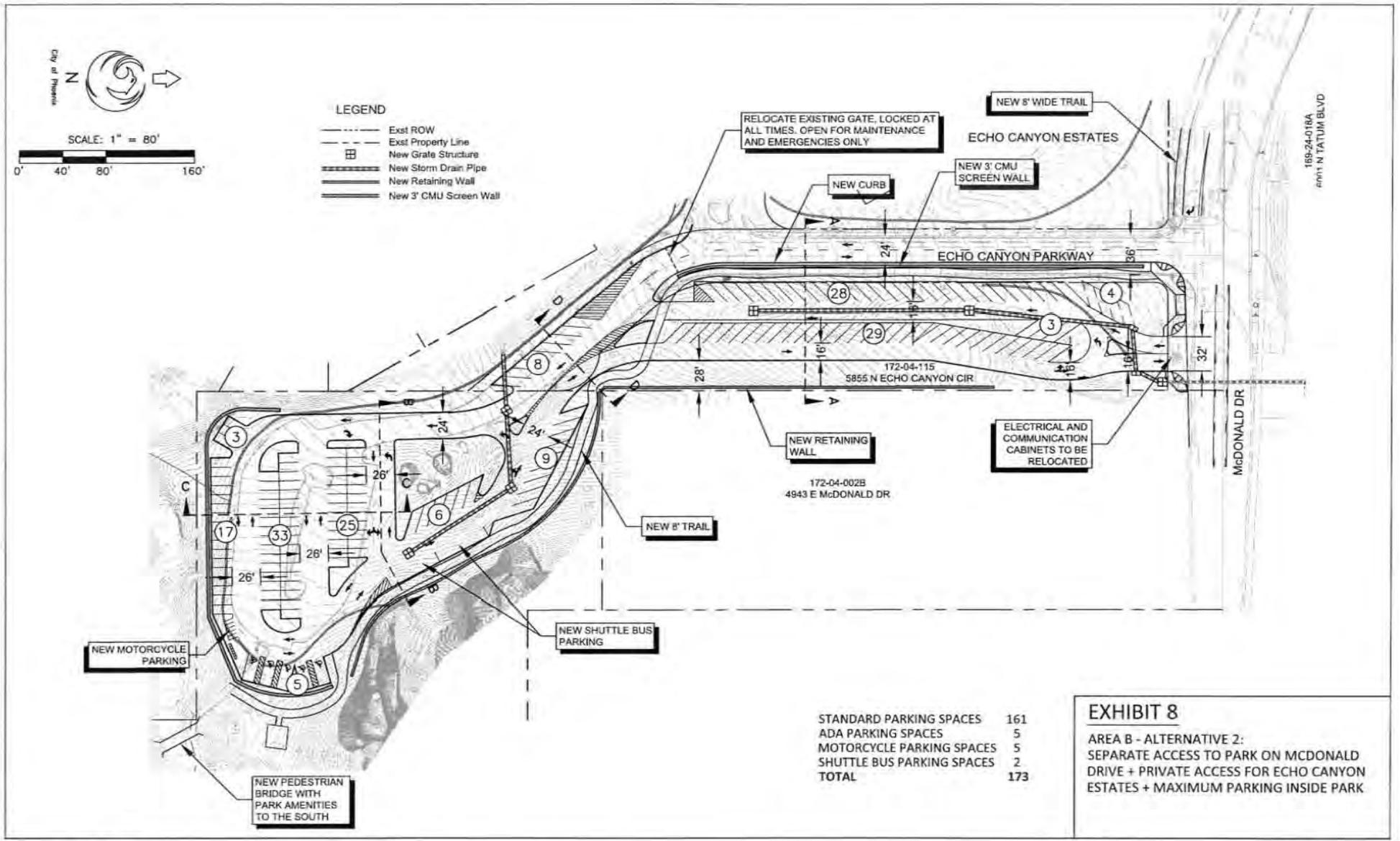


EXHIBIT 11

AREA B - ALTERNATIVE 4:
SEPERATE ACCESS TO PARK ON McDONALD DRIVE + PRIVATE ACCESS FOR ECHO CANYON ESTATES + NO PARKING AT THE TRAILHEAD



STANDARD PARKING SPACES	161
ADA PARKING SPACES	5
MOTORCYCLE PARKING SPACES	5
SHUTTLE BUS PARKING SPACES	2
TOTAL	173

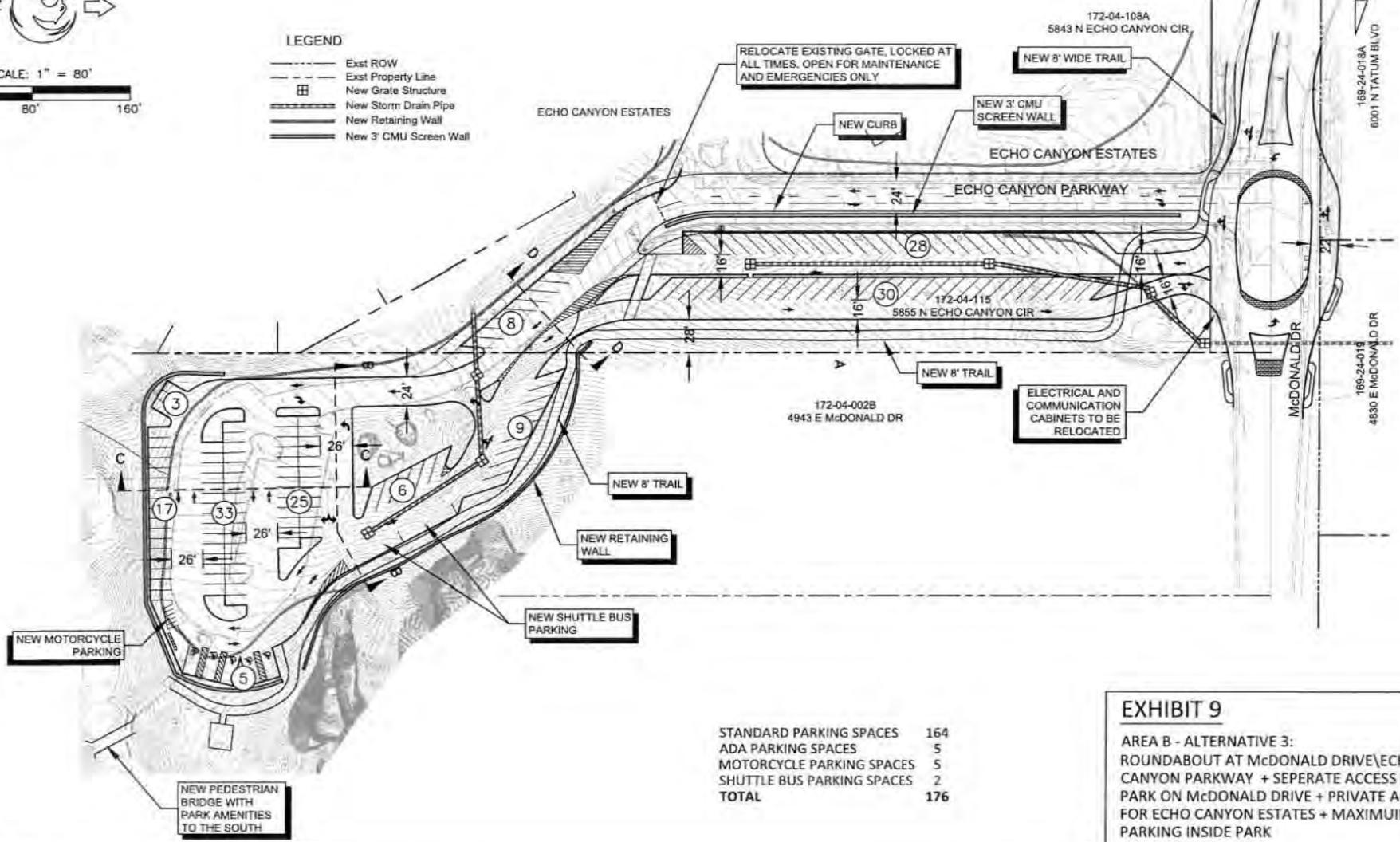
EXHIBIT 8
AREA B - ALTERNATIVE 2:
 SEPARATE ACCESS TO PARK ON McDONALD DRIVE + PRIVATE ACCESS FOR ECHO CANYON ESTATES + MAXIMUM PARKING INSIDE PARK



SCALE: 1" = 80'
 0' 40' 80' 160'

LEGEND

- Exst ROW
- - - Exst Property Line
- ▣ New Grate Structure
- ▨ New Storm Drain Pipe
- ▧ New Retaining Wall
- ▩ New 3' CMU Screen Wall

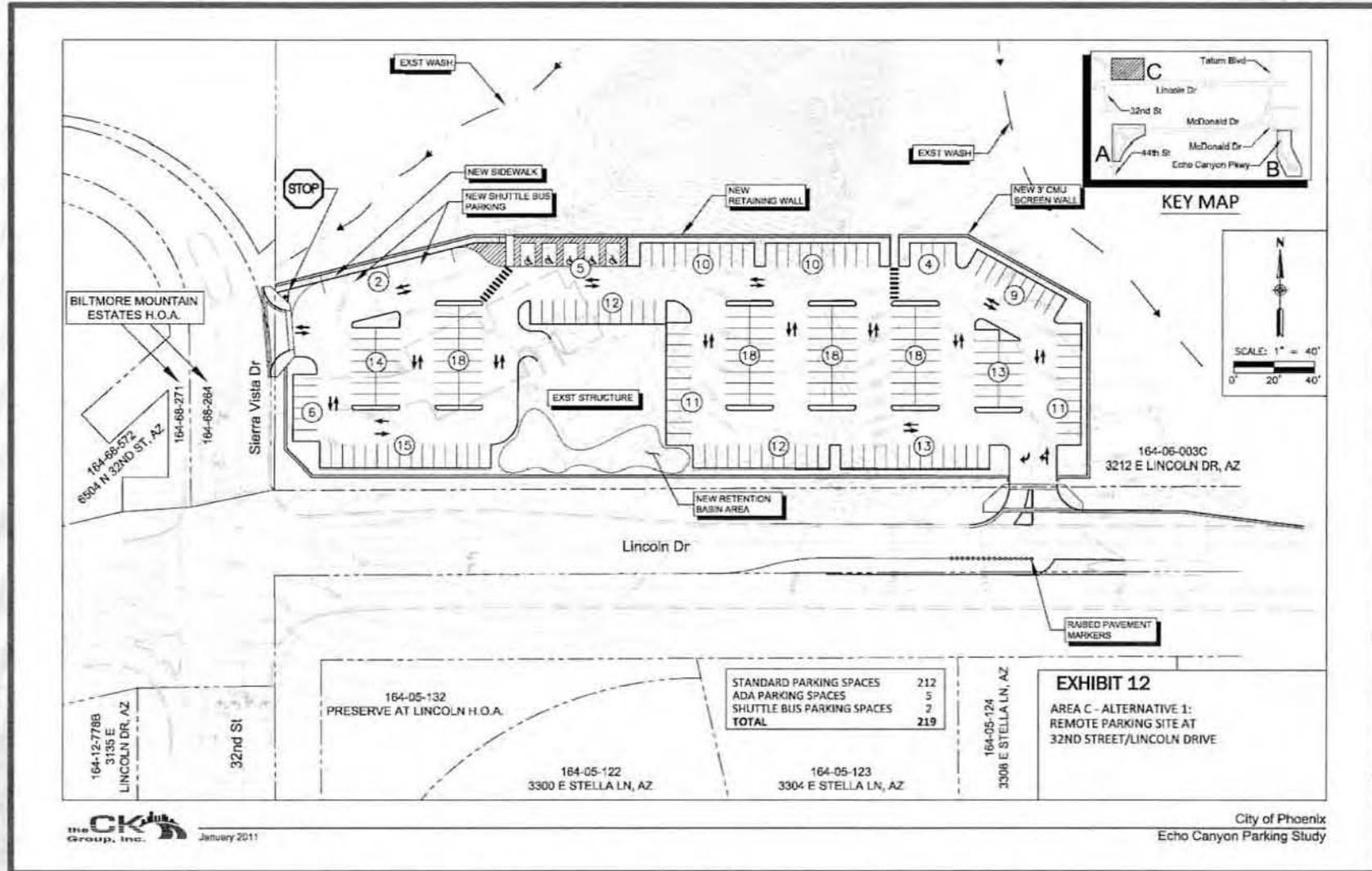


STANDARD PARKING SPACES	164
ADA PARKING SPACES	5
MOTORCYCLE PARKING SPACES	5
SHUTTLE BUS PARKING SPACES	2
TOTAL	176

EXHIBIT 9
 AREA B - ALTERNATIVE 3:
 ROUNDABOUT AT McDONALD DRIVE \ ECHO CANYON PARKWAY + SEPERATE ACCESS TO PARK ON McDONALD DRIVE + PRIVATE ACCESS FOR ECHO CANYON ESTATES + MAXIMUM PARKING INSIDE PARK

ACTION PLAN ITEMS UPDATE

November 29, 2011 Parking Concept Plans - Exhibit 12



**TOWN COUNCIL RULES AND PROCEDURES
TOWN OF PARADISE VALLEY, ARIZONA**

SECTION I - RULES OF PROCEDURE:

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

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SECTION II - MEETINGS:

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

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SECTION III - AGENDA:

All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the Town Manager on Tuesday of the week prior to the Council meeting at which they are to be submitted. The Town Manager and the Mayor shall list the matters according to the order of business and furnish each Member of the Council, the Town Attorney, and department heads with a copy of the agenda prior to the Council meeting, as early as possible. The Town Manager, Mayor or any two Members of the Town Council may place an item on the Council agenda. The item shall be placed on the agenda as provided for in Section VIII or as a special meeting topic.~~No item shall be submitted to the Council, except through the Town Manager or the Mayor, however, any member of the public, any member of the Council or the Town Manager may submit items to the Council during the Council meeting at the time provided in the order of business.~~

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SECTION IV - PRESIDING OFFICER - DUTIES:

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

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SECTION V - CALL TO ORDER - PRESIDING OFFICER:

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

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SECTION VI - ROLL CALL:

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

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SECTION VII - QUORUM:

A quorum shall consist of a majority of the Members of Council; however, no action of the Council shall be valid or binding unless adopted by a majority of the quorum. If one or more Members of the Council are unable to be present in person at a public meeting, they may participate electronically by telephonic or video communication. However, in no event shall more than three (3) Council Members attend a public meeting electronically. Council Members shall notify the Town Clerk at least 24 hours prior to the meeting of their intent to attend electronically. The meeting agenda and minutes shall state that one or more Council Members will participate by telephonic or video communication.

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

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

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- 1) Call to Order/Roll Call
- 2) ~~Work/Study Session~~ Discussion Items
- 3) Executive Session
- 4) Break
- 5) Reconvene
- 6) Roll Call
- 7) Pledge of Allegiance
- 8) Presentations
- 9) Call to the Public
- ~~10) Mayor's / Manager's Report~~
- ~~11) Consent Agenda~~
- ~~12) Public Hearings~~
- ~~13) Action Items~~
- 13) Requests for Future Agenda Items

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14) Comments from Mayor, Manager, and Council Members

15) Adjournment (and announcement of next scheduled meeting)

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b) SUBSTANCE OF EACH BUSINESS ITEM. Each matter on the Order of Business shall be conducted in the manner and for the purposes noted. The Council may, by majority vote, consider items out of sequence from the printed agenda.

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

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public hearings shall comply with the provisions of ~~are discussed in~~ Section XV.

- 12) Action Items - Action items shall include action on any subject requiring a public hearing, expenditure requests of \$250,000 or more, ordinances, and any items the Mayor chooses to have considered as action items instead of consent agenda items.
 - 13) Requests for Future Agenda Items - Requests for future agenda items are topics or issues of interest that the Mayor or at least two Council Members would like to have considered for discussion at a future meeting.
 - 14) Comments from the Mayor, Manager and Council Members - A short time period where ~~provides an opportunity for the Mayor, Manager and Council Members to~~ may present a brief summary of current events. The Town Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is otherwise separately and properly noticed for legal action.
- 3) Adjournment - A motion, second and a vote is required before adjournment. If the Town Council ~~wishes~~ desires to adjourn ~~at~~ a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned.

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—A motion to adjourn shall always be in order except during roll call. When a motion is made and seconded to adjourn, any Member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.

SECTION IX - PROCEDURES FOR DEBATE ON ACTION ITEMS:

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

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

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SECTION X - RULES OF DEBATE:

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.** —The Mayor or ~~Member~~ of the Council that is presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all ~~Members~~. The presiding officer shall not be deprived of any of the rights and privileges of a Council ~~Member~~.
- b) **GETTING THE FLOOR - IMPROPER REFERENCES TO BE AVOIDED.** —
Every ~~Member~~ desiring to speak shall address the chair, and upon recognition by the presiding officer, ~~the Members shall be germane to the topic and shall avoid personal attacks~~ confine himself to the question under debate, avoiding ~~all personalities and indecorous language.~~
- c) **INTERRUPTIONS.** A ~~Member~~, once recognized, shall not be interrupted when speaking unless it is to call ~~him~~ the Member to order. If a ~~Member~~, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, ~~he~~ the Member shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE.** The right of a Council ~~Member~~ to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned, or where the welfare of the Council is concerned. A Council ~~Member~~ may interrupt another speaker if the Mayor recognizes the privilege.
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council ~~Member~~ moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

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SECTION XI - ADDRESSING THE COUNCIL:

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

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

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SECTION XII - DECORUM:

- a) BY COUNCIL MEMBERS. While the Council is in session, the Members must preserve order and decorum. A Member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- b) BY PERSONS. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.

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SECTION XIII - ENFORCEMENT OF DECORUM:

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

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SECTION XIV - VOTING:

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

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These motions shall have precedence in the order indicated.

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c) AMENDMENTS. No more than one amendment to an amendment is permitted.

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d) MOTION TO TABLE. The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be taken off from the table at any time prior to the end of the next regular meeting.

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e) MOTION FOR PREVIOUS QUESTION. The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.

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f) DIVISION OF QUESTION. If the question contains two or more divisible propositions, the Mayor may, or upon successful motion of the Council, shall divide the same.

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g) WITHDRAWAL OF MOTION. When a motion is made and seconded, it shall be so stated by the Chair. A motion may not be withdrawn by the mover without the consent of the Member seconding it.

h) CONFLICT OF INTEREST. Council Members shall abide by the provisions of A.R.S.

Chapter 38, Article 3. When a Council Member determines he or she has a conflict of interest, he or she shall announce such conflict and refrain from discussing or voting upon the matter.

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i) COUNCIL MEMBER REQUIRED TO VOTE. Council Members are required to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted an "aye" vote unless excused by State Conflict of Interest Laws.

j) RECORDING VOTES; TIE VOTES. The Journal minutes of the proceedings of the Council shall record individual's votes on all ordinances, resolutions, and franchises. In the case of a tie in votes on any motion, the motion shall be considered lost.

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k) MOTION TO RECONSIDER. A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next regular meeting of the Council. It may be made during the same session or at a recessed or adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any Member. A question failing by virtue of a tie vote may be reconsidered by motion of any Member of the Council. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any Member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

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SECTION XV - PROCEDURE FOR DEBATE DURING PUBLIC HEARING:

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The following shall be the procedure during public hearings:

- 1) Mayor shall read the title of the action item.
- 2) Staff report, if any, by the appropriate staff members and relevant questions by Council Members.
- 3) Statement by the Applicant explaining and advocating the item (maximum of fifteen (15) minutes).
- 4) Testimony by members of the public who support the item (~~maximum of fifteen (15) minutes total for all proponents~~).
- 5) Testimony by members of the public who oppose the item (~~maximum of fifteen (15) minutes total for all opponents~~).
- 6) Written Communications filed with the Town regarding the item.
- 7) At Council's discretion, a brief closing statement by the Applicant (~~maximum of five (5) minutes~~).
- 8) Discussion by Council Members. The order of recognition of Council Member desiring to speak other than the Council Member who authored the item shall be determined by the chairman.
- 9) Motion and second.
- 10) Motion to amend (if any).
- 11) Vote.

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SECTION XVI – ORDINANCE: EMERGENCY CLAUSES

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

SECTION XVII - SPECIAL COMMITTEES

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

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- a) The party proposing the creation of the board, commission or committee will prepare a resolution defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee.
- b) That resolution will be submitted to the Mayor or Town Manager for placement on an agenda for Council discussion.

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- c) The Council shall approve, modify, or reject the resolution.
- d) Once a board, commission, or committee is approved the Mayor shall prepare nominations for members including their length of terms (not to exceed three years).
- e) The ~~the~~ Mayor's nominations shall be submitted to the Council at least seven days prior to the ~~the~~ meeting at which nominations will be confirmed.

~~Each~~ Council ~~Members~~ may suggest alternate nominations during the meeting. Each ~~Member~~ _____ shall be approved by a majority of the Council.

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SECTION XVIII - USE OF STAFF

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

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SECTION XIX - ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES

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

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SECTION XX - RULES OF ORDER

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

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**TOWN COUNCIL RULES AND PROCEDURES
TOWN OF PARADISE VALLEY, ARIZONA**

SECTION I - RULES OF PROCEDURE

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

SECTION II - MEETINGS

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

SECTION III - AGENDA

All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the Town Manager on Tuesday of the week prior to the Council meeting at which they are to be submitted. The Town Manager and the Mayor shall list the matters according to the order of business and furnish each Member of the Council, the Town Attorney, and department heads with a copy of the agenda prior to the Council meeting, as early as possible. The Town Manager, Mayor or any two Members of the Town Council may place an item on the Council agenda. The item shall be placed on the agenda as provided for in Section VIII or as a special meeting topic.

SECTION IV - PRESIDING OFFICER - DUTIES

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

SECTION V - CALL TO ORDER - PRESIDING OFFICER

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

SECTION VI - ROLL CALL

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

SECTION VII - QUORUM

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

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

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

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

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

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

Section XV.

- 12) Action Items - Action items shall include action on any subject requiring a public hearing, expenditure requests of \$250,000 or more, ordinances, and any items the Mayor chooses to have considered as action items instead of consent agenda items.
- 13) Requests for Future Agenda Items - Requests for future agenda items are topics or issues of interest that the Mayor or at least two Council Members would like to have considered for discussion at a future meeting.
- 14) Comments from the Mayor, Manager and Council Members – A short time period where the Mayor, Manager and Council Members may present a brief summary of current events. The Town Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is otherwise separately and properly noticed for legal action.
- 15) Adjournment – A motion, second and a vote is required before adjournment. If the Town Council desires to adjourn at a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned. A motion to adjourn shall always be in order except during roll call. When a motion is made and seconded to adjourn, any Member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.

SECTION IX - PROCEDURES FOR DEBATE ON ACTION ITEMS

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

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

SECTION X - RULES OF DEBATE

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.** The Mayor or Member of the Council that is presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all Members. The presiding officer shall not be deprived of any of the rights and privileges of a Council Member.
- b) **GETTING THE FLOOR - IMPROPER REFERENCES TO BE AVOIDED.** Every Member desiring to speak shall address the chair, and upon recognition by the presiding officer, the Members shall be germane to the topic and shall avoid personal attacks and indecorous language.

- c) **INTERRUPTIONS.** A Member, once recognized, shall not be interrupted when speaking unless it is to call the Member to order. If a Member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, the Member shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE.** The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned, or where the welfare of the Council is concerned. A Council Member may interrupt another speaker if the Mayor recognizes the privilege.
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION XI - ADDRESSING THE COUNCIL

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

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

SECTION XII - DECORUM

- a) **BY COUNCIL MEMBERS.** While the Council is in session, the Members must preserve order and decorum. A Member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- b) **BY PERSONS.** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission

to continue is granted by a majority vote of the Council.

SECTION XIII - ENFORCEMENT OF DECORUM

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

SECTION XIV - VOTING

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

These motions shall have precedence in the order indicated.

- c) **AMENDMENTS.** No more than one amendment to an amendment is permitted.
- d) **MOTION TO TABLE.** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be taken off from the table at any time prior to the end of the next regular meeting.
- e) **MOTION FOR PREVIOUS QUESTION.** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.
- f) **DIVISION OF QUESTION.** If the question contains two or more divisible propositions,

the Mayor may, or upon successful motion of the Council, shall divide the same.

- g) **WITHDRAWAL OF MOTION.** When a motion is made and seconded, it shall be so stated by the Chair. A motion may not be withdrawn by the mover without the consent of the Member seconding it.
- h) **CONFLICT OF INTEREST.** Council Members shall abide by the provisions of A.R.S. Chapter 38, Article 3. When a Council Member determines he or she has a conflict of interest, he or she shall announce such conflict and refrain from discussing or voting upon the matter.
- i) **COUNCIL MEMBER REQUIRED TO VOTE.** Council Members are required to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted an "aye" vote unless excused by State Conflict of Interest Laws.
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The following shall be the procedure during public hearings:

- 1) Mayor shall read the title of the action item.
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- 3) Statement by the Applicant explaining and advocating the item (maximum of fifteen (15) minutes).
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- 5) Testimony by members of the public who oppose the item.
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- 8) Discussion by Council Members. The order of recognition of Council Members desiring to speak other than the Council Member who authored the item shall be determined by the chairman.
- 9) Motion and second.

- 10) Motion to amend (if any).
- 11) Vote.

SECTION XVI – ORDINANCE: EMERGENCY CLAUSES

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

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SECTION XIX - ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES

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

SECTION XX - RULES OF ORDER

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