

TOWN

Of

PARADISE VALLEY



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARIZED MINUTES
JUNE 25, 2009**

CALL TO ORDER

Mayor Parker called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, June 25, 2009 at 4:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Vice Mayor Ron Clarke
Council Member Brian Cooney was not present
Council Member Mary Hamway
Council Member Pam Kirby
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer William C. Mead
Planning & Building Director Eva Cutro
Chief of Police John J. Bennett
Public Works Director Andrew Cooper, Jr.
Public Safety Director John D. Wintersteen
Human Resources Manager Jinnett Hancock
Management Services Director Lenore Lancaster
Deputy Town Attorney Steven Zraick
Planner George Burton
Code Compliance Officer Tina Brindley
Code Compliance Officer Jack Niles

Discussion of Selection of Vice Mayor for FY 2009-2010

Mr. Bacon stated that selection of a new vice mayor is scheduled for a vote during the business meeting.

The Council discussed procedures for selecting a new vice mayor and asked questions about *Robert's Rules of Order*. It was noted that in previous years, those nominated for vice mayor were not given an opportunity to address the Council prior to the vote. The Mayor announced that after nominations were closed he would give the nominees an opportunity to speak.

Discussion of Appointment Process to Fill the Vacancy on the Town Council

Mr. Bacon stated that the Council will formally accept Councilmember Cooney's letter of resignation during the business meeting.

The Council discussed the following options:

1. Leave the seat vacant until the next election. Mr. Cooney's seat is up for election in March 2010. The seat would be filled in June 2010 when the new Council takes office.
2. Conduct a formal recruitment process similar to the process used to fill the seat left vacant by Councilmember Robert William's death in 2000.
3. Appoint a former Councilmember to serve out the remainder term with the understanding that he or she would not run for re-election in March.

There was Council discussion that the seat should be filled for quorum purposes and to avoid the possibility of tied votes. There was concern that a formal recruitment and interview process would take months and occur at the same time as the election to fill the seat. Council did not want it to appear as though they were endorsing a candidate by selecting him or her to serve the remainder of the current term.

There was consensus to investigate if any former councilmembers were willing and able to serve. Former Councilmember Bernie Barry was suggested as a potential candidate. It was suggested that Mr. Bacon contact Mr. Barry to determine his interest.

Discussion of Ethics Policy

Mr. Miller was directed to investigate various ethics policies and procedures. Currently, the Town does not have written procedures to handle an ethics complaint.

He said other cities were polled regarding procedures and eight responses were received. Four of the cities had no written procedures in place, three had procedure, and one was in the process of adopting a written procedure. Those with written procedures believed they worked well most of the time. Those without written procedures indicated that the lack of written procedures generally did not work well.

He said the common elements in most the ethics policies and procedures included that the ethics policy is stated; there are complaint requirements and investigation procedures; there are penalties or sanctions for violations of ethics policies; and that there is training on the policy and complaint procedures.

Mr. Miller summarized the recommended procedures:

- 1) Adopt written procedures for the processing of Ethics complaints

2) Have the procedures apply to all public bodies that have a high level of engagement with the public, e.g., the Board of Adjustment, Hillside Committee, Planning Commission, and the Town Council.

Council asked staff to verify that all these types of public bodies sign oaths of office and are provided with copies of the ethics policy.

3) All Complaints should be delivered to the Town Attorney and must be filed in a timely manner, e.g., within one year of the alleged ethics violation

There was discussion about requiring a sworn affidavit (notarized complaint).

4) Have the Town Attorney's Office be the initial processor of complaints, with authority to return incomplete, untimely, or frivolous complaints

5) Where the investigation of a particular complaint by the Town Attorney's Office may result in a conflict of interest, provide for assigning such investigations to independent investigators

He noted this is of particular concern when the complaint is filed against a councilmember or even a planning commissioner. The matter in question could have been discussed in executive session and clearly put the Attorney in a difficult position. There was concern that retaining outside counsel could be costly. Mr. Miller said there has not been occasion to do it in the past. The policy could be written so that the referring it to an outside counsel is not automatic.

6) Require a written report of the results of all investigations; with notification of the results provided to both the complainant and the public official subject to the complaint as well as to the Town Council

7) Sanctions for violations for bodies appointed by the Council should include removal from the public body of the official who has been found to have violated the ethics policy

8) Sanctions for Council Member violations should include formal censure

He noted that Council does not have authority to remove someone from office. The one statute on sanctions allows the council to fine a member \$20. If they do not pay they can be imprisoned. The council may censure and remove councilmember from leadership positions or committee appointments.

Regarding appointees, the Council may give the investigating authority the power to remove appointees from office. This would require a code amendment. Mr. Miller's preference was to submit the report to Council at a public meeting and allow the council to decide.

Council wanted to retain flexibility in sanctions and whether the outcome is a "public" censure.

9) Regular training and discussion regarding the Town's Ethics Policy as well as legal rules applicable to public bodies such as conflicts of interest and open meeting laws should be scheduled

10) Additionally, members of the public bodies subject to the Ethics Procedures should be asked before each matter they consider or approve to evaluate their own possible conflicts of interest, their contacts with the applicant (for quasi-judicial settings), and whether or not they believe they can render a fair and un-biased decision

The Attorney was directed to prepare a draft of the policy by July 9 so that the Council could review it over the summer.

Councilmember Simpson left the meeting.

Code Enforcement Update

Mr. Bacon stated that John Wintersteen led an internal review of the Code Enforcement program. The purpose was to evaluate the current program and identify ways to make it function better. Mr. Wintersteen reported that the biggest change was to consolidate all code enforcement functions in the Planning & Building Department which now employs two full-time enforcement officers.

Planning & Building Director Eva Cutro stated that over 2,000 code violations were investigated in FY 08/09. They included weeds, signage, walls, vehicles, obstructions, noise, home occupations, abandonment/neglected properties. Additionally, 1000 construction site inspections were conducted, including signage, litter, dust, storage of construction materials, standing water, parking dumpster, and portable toilets.

She summarized the following main tasks of the Code Enforcement Unit:

- Wash Maintenance
- Untended/Neglected Properties
- Building Construction Violations
- Dust Control
- Signage/Zoning Code Violations
- Traffic Safety
- Grease Traps
- Special Use Permits
- Fire Safety
- Animal Control

She said that the next step is to update Town Codes where needed to allow for better enforcement. Staff will soon prepare amendments regarding noise, lighting, animal control, special use permits, walls and fences.

She announced that the unit will issue a monthly report on violations. It will help track trends in violations which will enable the unit to refocus energies when statistics indicate the need for increased enforcement in any one area.

Ms. Cutro summarized that the code compliance unit was created to centralize code compliance activity. The PermitsPlus tracking software system has been modified to meet compliance needs. She concluded by saying code compliance is more proactive and code enforcement activity has more than tripled since last year

Responding to a question from the Council about Saturday inspections Ms. Cutro stated that the Code Enforcement Officers will adjust their schedules to conduct enforcement on the weekends.

Council also asked staff to revisit the possibility of regulating leaf blowers.

Mayor Parker recessed the meeting at 5:35 p.m.

RECONVENE FOR REGULAR MEETING

CALL TO ORDER

Mayor Parker reconvened the meeting of the Town Council at 7:00 P.M.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Vice Mayor Ron Clarke
Council Member Mary Hamway
Council Member Pam Kirby
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson

Council Member Brian Cooney was not present

STAFF MEMBERS PRESENT

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Public Works Director Andrew Cooper, Jr.
Management Services Director Lenore Lancaster

PLEDGE OF ALLEGIANCE

Mayor Parker led the Pledge of Allegiance.

PRESENTATIONS

Recognition of the Scottsdale Plaza Resort

The Council recognized the Scottsdale Plaza Resort for receiving the *Meetings and Conventions Magazine* 2009 Golden Tee Award. Mayor Parker presented owner John Dawson with a proclamation. Scottsdale Convention and Visitors Bureau President and CEO Rachel Sacco congratulated Mr. Dawson on behalf of the tourism industry.

Recognition of Retiring Public Safety Director John D. Wintersteen

The Council recognized John D. Wintersteen for his service to the Town on the occasion of his retirement effective June 30, 2009. Mayor Parker presented him with a proclamation and a gift from the Town. Councilmembers shared kind words about Mr. Wintersteen and his tireless devotion to the Town and its citizens.

Resident Mel Kowal also thanked Mr. Wintersteen for the countless number of hours he selflessly spent serving the Town.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

- a. Acceptance of Resignation from Councilmember Brian Cooney**
Staff Contact: Andrew M. Miller, Town Attorney, 480-348-3691
- b. Minutes of Town Council Meeting June 11, 2009**
- c. Approval of Property, Liability, and Excess Land Use Liability Insurance Coverage and Workers Compensation Insurance**
Recommendation: Approve the property, liability and excess land use liability insurance coverage in the amount of \$397,495 plus workers compensation coverage for approximately \$190,000 for fiscal year 2009/10.
- d. Approval of Payment for Operating Expenses to the City of Phoenix for Fire for Stations 1 and 2**
Recommendation: Approve payment to the City of Phoenix of \$2,026,829.08 for operating expenses.
- e. Approval of Resolution Number 1193 Designating the Management Services Director to Declare Official Intent on Behalf of the Town to Reimburse From Proceeds of Tax-exempt Obligations Certain Capital Expenditures**
Recommendation: Approve Resolution Number 1193 designating the Town Management Services Director to declare on behalf of the Town its official intent to reimburse certain capital expenditures from proceeds of tax-exempt obligations or leases.
- f. Approval of Agreement with Scottsdale Convention and Visitors Bureau**
Recommendation: Approve an agreement with the Scottsdale Convention and Visitors Bureau through which the Town will provide funding in the amount of \$525,000 for promotion of the Town's resorts, convention and tourism businesses, and \$75,000 in special funding to support the Fiesta Bowl.

g. Approval of Resolution Number 1192 Increasing the Speed Limit on Invergordon Road North of McDonald Drive from 25 MPH to 35 MPH

Recommendation: Approve Resolution Number 1192.

h. Renewal of Custodial Services Contract for Town Hall Complex

Recommendation: Authorize the Town Manager to renew the custodial services contact with Building Maintenance Services, Inc. for FY 2009-10 in an amount not to exceed \$60,207.

i. Renewal of Contract for Solid Waste Removal Services at Town Facilities

Recommendation: Authorize the Town Manager to renew the contract with Sonoran Waste Disposal, LLC for solid waste removal services from Town facilities in an amount not to exceed \$49,616.

j. Approve the Salary and Classification Plan for Fiscal Year 2009-2010

Recommendation: Approve employee positions, titles, and salary ranges for Fiscal Year 2009-2010.

Mr. Bacon summarized the items on the Consent Agenda.

Mr. Bacon removed item 10g for separate discussion.

Councilmember LeMarr asked that item 10d be removed.

Motion and vote – Vice Mayor Clarke moved to adopt the Consent Agenda with the exception of items 10d and 10g. Councilmember Kirby seconded the motion which passed unanimously.

10d. Approval of Payment for Operating Expenses to the City of Phoenix for Fire for Stations 1 and 2 -*Recommendation:* Approve payment to the City of Phoenix of \$2,026,829.08 for operating expenses.

Councilmember LeMarr commented that operating expenses associated with the City of Phoenix fire service contract increase each year. He suggested that the Council discuss this in a future work session. Specifically he asked what the cost estimates will be over the next three years and what are the Towns responsibilities under the agreement.

Ms. Lancaster responded to a question from Council that staffing levels are specified in the agreement and remain fixed.

Motion and vote – Councilmember LeMarr moved to approve payment to the City of Phoenix in the amount of \$2,026,829.08 for operating expenses. Councilmember Simpson seconded the motion which passed unanimously.

10g. Approval of Resolution Number 1192 Increasing the Speed Limit on Invergordon Road North of McDonald Drive from 25 MPH to 35 MPH

Item 10g was removed from the Consent Agenda because the resolution included an emergency clause thus requiring a roll call vote.

Motion and vote – Vice Clarke moved to approve 1192. Councilmember Kirby seconded the motion.

Clarke	Aye
Hamway	Aye
Kirby	Aye
LeMarr	Aye
Simpson	Aye
Parker	Aye

The vote was 6 – 0.

SPECIAL MEETING – Mayor Parker recessed the regular meeting and convened a Special Meeting to consider the Fiscal Year 2009-2010 Budget, pursuant to A.R.S. §42-17105.

PUBLIC HEARING - Adoption of Resolution Number 1194 Approving the Fiscal Year 2009-2010 Budget

The Council asked that the presentation be dispensed with since no members of the public had signed up to speak on the budget.

Mayor Parker opened the public hearing. There were no public comments.
Mayor Parker closed the public hearing.

Council noted that next year's budget is \$16.3 million which is 25% lower than last year's budget.

Motion and vote – Councilmember Hamway moved to approve Resolution Number 1194. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Mayor Parker adjourned the special meeting.

Mayor Parker reconvened the regular meeting.

ACTION ITEMS

Selection of Vice Mayor for Fiscal Year 2009-2010

Mayor Parker opened the floor for nominations for the position of vice mayor. Councilmember Hamway nominated Councilmember Simpson. Councilmember LeMarr nominated Councilmember Kirby.

The Mayor gave candidates an opportunity to speak briefly about their qualifications and the reasons why they wanted to be considered for the position. Councilmember Simpson summarized some of her accomplishments during her time on the Council, including the Doubletree Ranch Road Drainage and Reconstruction Project, the Tatum/McDonald realignment, and serving as the Town's legislative liaison. She concluded that she would be very happy to serve as vice mayor.

Councilmember Kirby thanked Councilmember LeMarr for the nomination and for his confidence in her ability to serve the Town of Paradise Valley in greater leadership capacity. She stated that, although she was confident in her ability to serve in the position, she had the utmost respect for Councilmember Simpson and her abilities. She said her accomplishments are to be admired and appreciated. She respectfully declined the nomination.

There were no other nominations.

Motion and vote – Vice Mayor Clarke moved to elect by acclamation Virginia “Jini” Simpson vice mayor through June 2010. Mayor Parker seconded the motion.

ADJOURNMENT

Motion and vote – Councilmember LeMarr moved to adjourn. Councilmember Kirby seconded the motion which passed unanimously.

Mayor Parker adjourned the meeting at 7:45 p.m.



Vernon B. Parker, Mayor

ATTEST:


Duncan Miller, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on then 25th day June 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of July, 2009.



Duncan Miller
Duncan Miller, Town Clerk