

TOWN *Of* **PARADISE VALLEY**



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 10, 2015**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, September 10, 2015 at 4:00 p.m. in the Town Hall Council Chambers.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Council Member Jerry Bien-Willner
Council Member Mary Hamway
Council Member David Sherf
Council Member Mark Stanton
Council Member Maria Syms

Vice Mayor Paul Dembow was not present

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Public Works Director/Town Engineer James P. Shano
Community Development Director Eva Cutro
Director of Administration and Government Affairs Dawn Marie Buckland
Presiding Judge Tyrrell Taber

2. STUDY SESSION ITEMS

Discussion of Municipal Court Appointment Process

Town Manager Kevin Burke stated that the Mayor and Town Council are responsible for appointing the Town Manager, Town Attorney, Presiding Municipal Court Judge and the Associate Judges. He said the Council appoints and reappoints judges in September of odd numbered years.

Presiding Judge Tyrrell Taber described the history of Paradise Valley's all-volunteer bench. He explained the qualifications, selection, and review process for the judges who serve in the Town's Court.

Discussion of “The Villas at Mountain Shadows II” Preliminary Plat located at the Southwest Corner Lincoln Drive and 56th Street

Senior Planner Paul Michaud presented the Preliminary Plat for The Villas at Mountain Shadows II. The plat, located near Lincoln Drive and 56th Street, concerns 8 lots and one tract. The property will be used for resort residential at the Mountain Shadows Resort. He explained that the proposed preliminary plat was in conformance with the approved special use permit. He noted that there is no legislative discretion in the plat approval process. He said the Planning Commission voted 7-1 to recommend approval of the preliminary plat with five stipulations.

Discussion of The Villas at Mountain Shadows Final Plat located at the Southwest Corner Lincoln Drive and 56th Street

Mr. Michaud presented the Final Plat for The Villas at Mountain Shadows. He stated that this item concerns a 20-lot final plat for resort residential at the Mountain Shadows Resort. He reported that the final plat is in conformance with the approved Special Use Permit. He said the Planning Commission voted 6-1 to recommend approval of the final plat.

3. EXECUTIVE SESSION

**Council Member Hamway moved to go into Executive Session at 4:56 p.m.
Council Member Bien-Willner seconded the motion which passed 6 – 0.**

Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding potential amendments to the Development Agreement with MTS Land LLC and MTS Golf, LLC regarding the Mountain Shadows Resort as authorized by A.R.S. §38-431.A.4 and legal advice regarding Special Use Permits as authorized by A.R.S. §38-431.A.3.

Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development and / or an intergovernmental agreement with the City of Scottsdale for annexation / de-annexation of property as authorized by A.R.S. §38-431.A.4; and discussion or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.

Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.

Discussion and consultation with the Town Attorney to consider the Town's position and instruct the attorney regarding Notice of Claim filed by Storey Family Trust as authorized by A.R.S. §38-431.A.4.

Discussion of Town Attorney Performance Review and employment agreement as authorized by A.R.S. §38-431.03.A.1.

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.A.3.

4. BREAK

5. RECONVENE FOR REGULAR MEETING 6:00 PM

6. ROLL CALL

Mayor Collins convened the regular meeting at 6:05 p.m.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Council Member Jerry Bien-Willner
Council Member Mary Hamway
Council Member David Sherf
Council Member Mark Stanton
Council Member Maria Syms

Vice Mayor Paul Dembow was not present

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Public Works Director/Town Engineer James P. Shano
Community Development Director Eva Cutro
Director of Administration and Government Affairs Dawn Marie Buckland

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

Recognition of the Town's Legislative Delegation for their Support of Cities and Towns

Mayor Collins was joined by Dale Wiebusch, Legislative Associate with the League of Arizona Cities and Towns, to present a Proclamation to Senator Adam Driggs and Representative Kate Brophy McGee for their support of cities and towns in the state legislature. Mayor Collins presented the legislators with his challenge coins.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda. He withdrew item 15-169 regarding Amendment #1 to the Amended and Restated Development Agreement with Mountain Shadows.

Minutes of Town Council Meeting June 11, 2015

Minutes of Town Council Meeting June 25, 2015

Approval of Special Event Liquor License for Alliance Francaise of Greater Phoenix

Approval of Special Event Liquor License for Amanda Hope Rainbow Angels

Approval of Special Event Liquor License for Colleen's Dream Foundation

Approval of Special Event Liquor License for Gabriel's Angels

Approval of Contract Addendum #4 to the Electric Distribution Undergrounding Agreement with Arizona Public Service Company (APS)

Authorize the Town Manager to execute an agreement for the provision to the

Town of prosecution services with Robert Hubbard, Attorney at Law for a fixed rate of \$3,000.00 per month, plus additional compensation for certain services identified in the agreement, with the total of fixed and additional services to not exceed \$44,000.00 per year.

Withdrawn - Consideration of Amendment #1 to the Amended and Restated Development Agreement with Mountain Shadows

Motion and vote:

Council Member Bien-Willner moved to approve the consent agenda. Council Member Stanton seconded the motion which passed by a vote of 6 – 0.

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

Adoption of Resolution 1339 allowing for the reimbursement of capital expenditures with bond proceeds.

Director of Administration and Government Affairs Dawn Marie Buckland briefed the Town Council on the legal authority to reimburse capital expenses through the use of bonds. She stated that the proposed reimbursement resolution allows for a single bond sale, minimizing issuance costs and allows the Town to monitor the market and sell the bonds when interest rates and yields are most advantageous to the Town.

Motion and Vote: Council Member Sherf moved to adopt Resolution Number 1339. The motion was seconded by Council Hamway.

Aye: Collins, Bien-Willner, Hamway, Sherf, Stanton

Nay: Syms

13. REQUESTS FOR FUTURE AGENDA ITEMS

Consideration of Requests for Future Agenda Items

Mr. Burke summarized the future agenda topics list. He noted that the Council would attend a retreat on September 17, 2015 at the Sanctuary Resort.

There were no further additions to the future topics list.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke introduced Police Chief Peter Wingert who started during the Council's

summer recess. Chief Wingert stated that his initial goals are improving community outreach and customer service.

EXECUTIVE SESSION

Council Member Hamway moved to go into executive session at 6:26 p.m. It was seconded by Council Member Bien-Willner and carried by a unanimous vote.

15. ADJOURNMENT

Council Member Hamway moved to adjourn. It was seconded by Council Member Stanton, and passed unanimously.

Mayor Collins adjourned the meeting at 8:35 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, Thursday, September 10, 2015.

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