



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, May 24, 2018**

1. CALL TO ORDER / ROLL CALL

Vice Mayor Bien-Willner called to order the Town Council Meeting for Thursday, May 24, 2018 at 3:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

Mayor Michael Collins was not present

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Lieutenant Dan Perry
Deputy Town Manager Dawn Marie Buckland
Interim Community Development Director Paul Michaud
Public Works Supervisor Jerry Cooper
Chief Financial Officer Douglas Allen
Chief Information Officer Steven Brunasso
Engineering Services Analyst Jeremy Knapp
Town Engineer Paul Mood attended by telephone
Municipal Court Director Jeanette Wiesenhofer
Special Projects Coordinator Eva Cutro

[Town Clerk's Office Note: Due to technical failure audio / video of this meeting is unavailable.]

2. STUDY SESSION ITEMS

18-212 Discussion of Finisterre Subdivision Wall

Planner George Burton presented a request from the Finisterre Home Owner's Association to raise the height of the existing subdivision wall on nine properties. The Planning Commission voted 7 to 0 on

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. Persons with disabilities who experience difficulties accessing this information may request accommodation by calling 480-948-7411 (voice) or 480-348-1811 (TDD).

May 1, 2018 to recommend approval of the application.

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

18-223 Discussion of Ritz-Carlton Final Plat (Area C)

Special Projects Coordinator Eva Cutro presented a request by Five Star Development Resort Communities, L.L.C. for approval of a final plat map named “Amended 7000 East Lincoln – Parcel C” The plat map consisted of a total of 39 lots on approximately 17.224 acres. She described differences between the Preliminary Plat and the Final Plat. She said the plat was in substantial compliance with the zoning approval and preliminary plat. Pursuant to the Special Use Permit and Development Agreement, the Preliminary Plat required Planning Commission review but the Final Plat would go directly to Council for review and approval.

Town Attorney Andrew Miller responded to questions from the Council regarding the Council’s legislative authority when reviewing Special Use Permits and administrative authority when reviewing final plats.

A motion was made by Council Member Dembow, seconded by Council Member Moore, to go into executive session to confer with the Town Attorney for legal advice regarding items 18-222 and 18-217, as authorized by A.R.S. §38-431.03(A)(3). The motion carried by the following vote:

- Aye:** 6 - Vice Mayor Bien-Willner
- Council Member Dembow
- Council Member Moore
- Council Member Pace
- Council Member Sherf
- Council Member Stanton

- Absent:** 1 - Mayor Collins

Vice Mayor Bien-Willner recessed the study session at 3:20 PM.

Vice Mayor Bien-Willner reconvened the study session at 3:40 PM.

18-222 Discussion of Major Special Use Permit Amendment - Statement of Direction (SUP-18-06). 7125 E Lincoln Drive - Lincoln Medical Plaza

Interim Community Development Director Paul Michaud summarized the Special Use Permit Amendment application for the Lincoln Medical Plaza. He suggested topics that the Council may wish to include in the Statement of Direction (SOD) which would guide the Planning Commission’s review of the application.

The Council provided feedback on the SOD focusing on heights, setbacks, massing, and traffic circulation. The Council discussed possibly including disfavored uses, such as retail.

Mr. Michaud stated that staff would incorporate Council feedback into draft SOD language for review at the May 31, 2018 Special Meeting. The SOD would be scheduled for adoption June 14th so that the Commission could review the application over the summer.

18-217 Discussion of Major Special Use Permit Amendment - Statement of Direction (SUP-18-05). 7101 E Lincoln Drive - SmokeTree Resort - 1st Review

Mr. Michaud summarized the Special Use Permit Amendment application SmokeTree Resort at 7101 E Lincoln Drive. He reviewed the history of the resort, current conditions, and how the application might be reviewed in terms of the General Plan and the SUP Resort Guidelines.

The Council provided feedback on the SOD focusing on uses, lot coverage/density, massing, perimeter setbacks, maximum heights, view corridors, circulation, and other known issues.

The Council was especially concerned with the proposed density. They were also sensitive to traffic and pedestrian circulation. Staff was directed to develop options to study the resort's traffic and circulation in conjunction with the neighboring project at Lincoln Medical Plaza, AJ's, and the Ritz-Carlton across Lincoln Dr.

Mr. Michaud stated he would incorporate the Council's feedback into a draft SOD for Council to review at the May 31, 2018 Special Meeting. The SOD would be scheduled for adoption June 14th so that the Commission could review the application over the summer.

3. EXECUTIVE SESSION

18-214 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

Vice Mayor Bien-Willner recessed the meeting at 5:45 PM.

5. RECONVENE FOR REGULAR MEETING

Vice Mayor Bien-Willner reconvened the meeting at 6:10 PM. He announced that today marked the Town's 57th Anniversary. The Historical Advisory Committee provided refreshments for the occasion.

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

Mayor Michael Collins was not present

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Police Lieutenant Dan Perry
Interim Community Development Director Paul Michaud
Engineering Services Analyst Jeremy Knapp
Special Projects Coordinator Eva Cutro

7. PLEDGE OF ALLEGIANCE*

Vice Mayor Bien-Willner led the Pledge of Allegiance.

8. PRESENTATIONS*

There were no presentations.

9. CALL TO THE PUBLIC

Resident Dorothy Smith announced that there would be a Memorial Day event at the Camelback Cemetery across from Kiva Elementary School starting at 8:00 AM. She also acknowledged Officer Kevin Albert's retirement from the Police Department.

10. CONSENT AGENDA

Mr. Burke summarized the items on the Consent Agenda. Vice Mayor Bien-Willner removed item 18-211. Council Member Pace removed item 18-220.

A motion was made by Council Member Pace, seconded by Council Member Stanton, to approve the Consent Agenda with the exception of items 18-211 and 18-220. The motion carried by the following vote:

Aye: 6 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Absent: 1 - Mayor Collins

18-215 Minutes of Town Council Meeting May 10, 2018

18-211 Approval of Board of Adjustment Chair

Recommendation: Approve Eric Leibsohn to serve a one-year term as Chair of the Board of Adjustment.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to confirm the selection of Eric Leibsohn to serve a one-year term as Chair of the Board of Adjustment. The motion carried by the following vote:

Aye: 6 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Absent: 1 - Mayor Collins

18-221 Authorize the Town Manager to Execute a Contract with Loftin Equipment Company in an Amount Not to Exceed \$200,915 for the Replacement of the Public Works and Police Department Generator

Recommendation: Authorize the Town Manager to execute a contract with Loftin Equipment for the purchase and installation of a new Public Works and Police Department backup generator.

18-220 Approval of an Intergovernmental Agreement (IGA) between the Town of Paradise Valley and the City of Phoenix for Sidewalk Improvements along Lincoln Drive

Recommendation: Authorize the Town Manager to execute an IGA between the Town of Paradise Valley and the City of Phoenix for sidewalk improvements along Lincoln Drive.

A motion was made by Council Member Moore, seconded by Council Member Dembow, to Authorize the Town Manager to execute an IGA between the Town of Paradise Valley and the City of Phoenix for sidewalk improvements along Lincoln Drive. The motion carried by the following vote:

Aye: 6 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Absent: 1 - Mayor Collins

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

18-228 Adoption of Resolution 2018-15 Approving the FY2018/19 Tentative Budget

Chief Financial Officer Doug Allen presented the Fiscal Year 2019 Tentative Budget. He said the total budget was \$55,394,500. He explained changes that had been made since the last study session and highlighted the expenditures.

There were no public comments.

A motion was made by Council Member Sherf, seconded by Council Member Pace, to adopt Resolution number 2018-15 approving the FY2018/19 Tentative Budget that sets the maximum appropriation for the fiscal year at \$55,394,500. The motion carried by the following vote:

Aye: 6 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Absent: 1 - Mayor Collins

18-224 Consideration of Amended 7000 East Lincoln Final Plat

Special Projects Coordinator Eva Cutro presented the Final Plat for 7000 East Lincoln (Ritz-Carlton Resort). She summarized the changes from the Preliminary Plat including the reduction of lots from 45 to 39, modifications to interior circulation, and addition of a lot along Mockingbird Lane. All setbacks, lot size restrictions, and heights and story limitations were in conformance with the preliminary plat and SUP.

There was no discussion and no public comment.

A motion was made by Council Member Moore, seconded by Council Member Pace, to approve the final plat map, "Amended 7000 East Lincoln", subject to the following stipulations:

- 1. Prior to recordation of the final plat, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to ensure that all terms required under the SUP or other recorded agreements are part of these documents.**
- 2. The final improvements that address items such as street improvements, sewer, water, grading, drainage, landscaping, and easements shall be completed as set forth in the Special Use Permit and Development Agreement for this property.**
- 3. Within 60 days of approval of the final plat map, the applicant shall submit to the Town Mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.**
- 4. All perimeter lots bordering Lincoln and Mockingbird shall be one story with non-repetitive adjacent elevations and/or colors and/or orientations such that it creates a visually interesting varied streetscape.**
- 5. The owner of the property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement and a private right-of-way easement and maintenance agreement for the private roadway, private roadway gates, emergency access gate, and any related roadway/gate improvements on this property; along with a drainage easement and drainage easement maintenance agreement for the storm drainage improvement areas. These easement agreements shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, and be recorded with the Maricopa County Recorder's Office. Said agreements shall be recorded prior to or on the date of the recordation of this final plat.**

The motion carried by the following vote:

Aye: 6 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Absent: 1 - Mayor Collins

18-226 Adoption of Ordinance No. 2018-10 authorizing that fee title and a public utility easement in certain real property owned by Lauren Weinstein and Mark D. Clark be acquired by the Town in exchange for an excess Town right-of-way parcel.

Town Attorney Andrew Miller presented a request to exchange right-of-way just south of the roundabout at Palo Cristi and Stanford Drive.

There was no discussion and no public comment.

A motion was made by Council Member Stanton, seconded by Council Member Pace, to adopt Ordinance No. 2018-10. The motion carried by the following vote:

Aye: 6 - Vice Mayor Bien-Willner
 Council Member Dembow
 Council Member Moore
 Council Member Pace
 Council Member Sherf
 Council Member Stanton

Absent: 1 - Mayor Collins

18-218 Award of Community Services Funding for Fiscal Year 2017-18

Town Clerk Duncan Miller presented the Community Services Funding Group’s recommendation to distribute \$50,000 in grant funding to seven civic and human service organizations. The advisory group to the Town Manager was made up of Council Member Sherf, Council Member Pace, and Town Manager Burke.

The group members described the services provided by the organizations and the reasoning behind their recommendations.

There was no discussion and no public comment.

A motion was made by Council Member Sherf, seconded by Council Member Pace, to authorize the Town Manager to execute funding agreements with the following community services organizations in the total amount of \$50,000

**Angels on Patrol, Inc \$5,000
Arizona Helping Hands \$2,000
Central AZ Shelter Services \$25,000
Duet Partners in Health & Aging \$5,000
Save the Family Foundation of AZ \$3,000
Scottsdale Paradise Valley Family YMCA \$5,000
Valley Youth Theatre \$5,000**

The motion carried by the following vote:

Aye: 5 - Vice Mayor Bien-Willner
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Nay: 1 - Council Member Dembow

Absent: 1 - Mayor Collins

13. FUTURE AGENDA ITEMS**18-116 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the future agenda schedule. There were no requests to add items to the schedule.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Town Manager Burke commented on the successful Tatum Blvd mill and overlay project. Feedback was positive and only four complaints were logged about traffic delays.

Council Member Pace announced that the next ACOPS meeting would be held June 12 at 6:00 PM. The Committee will discuss a draft construction security checklist, among other topics.

Council Member Stanton reported that the Arts Advisory Committee made arrangements with Phoenix Country Day School to display student art work at Town Hall in the fall. He attended the Jones-Gordon School graduation. He noted that Town Attorney Andrew Miller recently reached his 20th anniversary with the Town. He announced that Arizona will host the Super Bowl in 2023. He stated he would represent the mayor at the Memorial Day Ceremony at the Camelback Cemetery and invited the Council and public to attend. Finally, he thanked members of the Historical Advisory Committee for the refreshments in celebration of the Town's 57th anniversary.

Council Member Moore reported that Experience Scottsdale appointed the Board of Directors and reminded the Council about the breakfast meeting May 30. He noted that resort community reported more revenue in April compared to the previous April.

Vice Mayor Bien-Willner recessed the meeting at 7:00 PM.

15. STUDY SESSION ITEMS CONTINUED

Vice Mayor Bien-Willner reconvened the meeting at 7:10 PM

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Deputy Town Manager Dawn Marie Buckland
Interim Community Development Director Paul Michaud
Engineering Services Analyst Jeremy Knapp
Planner George Burton

18-225 Discussion of Storm Drainage Design Manual Policy Discussion

Engineering Services Analyst Jeremy Knapp presented the final draft Storm Drainage Design Manual. The Town Council discussed the remaining policy issue regarding preservation of natural washes. There was general consensus that the Town values the natural character of washes but recognizes private property development rights. Staff presented a tiered approach to wash modification along with an alternative to the tiered system. There was Council consensus to include the tiers and the alternative as guidelines in an appendix to the Plan.

Mr. Burke stated that staff would make the modifications to the plan and schedule it for a vote on June 14, 2018.

18-219 Discussion of Hillside Code Updates - Safety Section (Chapter 5 of the Town Code)

Mr. Burke and Planner George Burton presented the goals and concepts behind a proposed hillside construction safety section to be added to Chapter 5 of the Town Code. Staff described the current and proposed hillside development process steps. There was general Council support for the safety section concepts and process. There was discussion about changing the sequence of the Construction Staging Plan or removing it from the safety section for later discussion.

Fred Fleet, Fleet-Fisher Engineering, responded to questions from the Council regarding costs and time required to comply with current and proposed review requirements for hillside development.

Mr. Burke stated that staff would continue to revise the language and bring back a draft ordinance for the Council to review at a special meeting on May 31, 2018.

16. ADJOURN

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

Aye: 6 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Absent: 1 - Mayor Collins

Vice Mayor Bien-Willner adjourned the meeting at 9:15 p.m.

