

**TOWN**  
*Of*  
**PARADISE VALLEY**



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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, November 19, 2015

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

Mayor Collins called to order the Town Council Meeting for Thursday, November 19, 2015 at 4:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mark Stanton  
Council Member Maria Syms arrived at 4:40 p.m.

Council Member Mary Hamway, Council Member David Sherf were not present

**STAFF MEMBERS PRESENT**

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

**2. STUDY SESSION ITEMS**

**15-281      Discussion of Amendments to Election Code and Fee Schedule**

Town Clerk Duncan Miller summarized the proposed amendments to Article 2-3 of the Town Code to conform the Town's Election Code to state law. He also presented recommended changes to the Master Fee Schedule to add a fee for on-street residential parking permits, pursuant to Ordinance 688, and to increase the vehicle towing administrative hearing fee from \$65 to \$150.

He said adoption of proposed Ordinance Number 692 and Resolution Number 1337 would be scheduled for approval on December 3, 2015.

**A motion was made by Council Member Bien-Willner at 4:10 p.m., seconded by Council Member Stanton, to enter executive session. The motion carried by the following vote:**

**Aye:** 4 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, and Council Member Stanton

**Absent:** 3 - Council Member Hamway, Council Member Sherf, and Council Member Syms

**15-284      Discussion of Special Use Permit Major Amendment for The Ritz-Carlton Resort, Paradise Valley**

Mayor Collins reconvened the Study Session at 4:40 p.m.

Community Development Director Eva Cutro presented the proposed Ritz-Carlton, Paradise Valley Special Use Permit application. The site is on approximately 105 acres, bordered by Lincoln Drive to the south, Mockingbird Lane to the east, Indian Bend Road to the north, and the City of Scottsdale to the east. The development is broken up into five areas: A through E. She noted that the proposed revisions to Area B and Area E since the Planning Commission's vote to recommend approval

Ms. Cutro reviewed Rights-of-Way, traffic circulation, parking, grading and drainage, water supply. She noted that the engineering reports would need to be updated to account for the changes in the site plan for Areas B and E.

Ms. Cutro reviewed the site plan by area. The applicant, Five Star Development, was represented by Project Manager Richard Frazee, Attorney Ben Graff, and Engineer Dawn Cartier. The Town Council provided feedback to staff and the applicant on each development area.

Area A - Resort

Area A1 – Resort Villas

Area B – Resort Residential

### **3. EXECUTIVE SESSION**

**A motion was made by Vice Mayor Dembow at 5:45 p.m., seconded by Council Member Bien-Willner, to enter executive session. The motion carried by the following vote:**

**Aye:** 5 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Stanton, and Council Member Syms

**Absent:** 2 - Council Member Hamway, and Council Member Sherf

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 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.

#### **4. BREAK**

#### **5. RECONVENE FOR REGULAR MEETING**

Mayor Collins reconvened the meeting at 6:00 p.m.

#### **6. ROLL CALL**

##### **COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mary Hamway  
Council Member Mark Stanton  
Council Member Maria Syms

Council Member David Sherf was not present

##### **STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
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**

There were no presentations.

#### **9. CALL TO THE PUBLIC**

There were no public comments.

## 10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

**A motion was made by Council Member Hamway, seconded by Council Member Stanton, to approve the Consent Agenda. The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Sherf

**15-277 Minutes of Town Council Meeting November 5, 2015**

## 11. PUBLIC HEARINGS

There were no public hearings.

## 12. ACTION ITEMS

### **15-273 Consideration of "The Villas at Mountain Shadows Condominiums" Preliminary Condominium Map**

Senior Planner Paul Michaud presented the Preliminary Condominium Map for The Villas at Mountain Shadows Condominiums consisting of 40 condominiums located on approximately 5.17 acres near Lincoln Drive and 56<sup>th</sup> Street. He noted that the Planning Commission voted 7 to 0 to recommend approval of the Preliminary Map on October 20, 2015. Mr. Michaud stated that the map is in substantial compliance with the Special Use Permit.

There were no public comments.

**A motion was made by Council Member Hamway, seconded by Vice Mayor Dembow, to Approve the Preliminary Map, "The Villas at Mountain Shadows Condominiums" (PP-15-03), subject to the following stipulations:**

1. The Final Map shall be in substantial compliance with the Preliminary Map, "The Villas at Mountain Shadows Condominiums," Sheets 1-4, and Sheet 6, prepared by Coe & Van Loo Consultants, Inc. dated October 6, 2015; and Sheet 5, prepared by Coe & Van Loo Consultants, Inc. dated October 21, 2015.
2. Prior to recordation of the Final Map, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to insure that all terms required under the SUP or other recorded agreements are part of these documents, including provision for maintenance of any drainage easements dedicated on the plat.

3. The final improvements shall be in substantial compliance with improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Map, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final improvement plans prior to the issuance of any building permit for a residential unit in said Final Map.

4. Within 60 days of approval of the Final 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.

5. The Final Map shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Map.

6. The Final Map and/or declaration shall include any and all necessary easements, including:

a. Easements for drainage that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site west of 56th Street, which shall be depicted on the Final Map prior to recordation of said plat,

b. Easements for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers given to the Town prior to Town Council approval of the Final Map, and

c. Easements for access, parking, refuse collection, and other similar easements.

7. The Final Map application shall include all necessary corrections to emergency access points such that these points comply with the Town Code, including removal of obstructions within the turning radius. The motion carried by the following vote:

**Aye:** 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Sherf

### **15-274 Consideration of "The Villas at Mountain Shadows II" Final Plat**

Senior Planner Paul Michaud presented the Final Plat for The Villas at Mountain Shadows II. He said the Planning Commission voted 7 to 0 on October 20, 2015 to recommend approval of the Final Plat. He stated that the plat is in conformance with the Preliminary Plat and the Special Use Permit and was discussed by the Town Council on November 5, 2015. The plat concerns 8 lots near the southwest corner of Lincoln Drive and 56<sup>th</sup> Street.

There were no public comments.

**A motion was made by Council Member Bien-Willner, seconded by Council Member Hamway, to Approve the Final Plat, "The Villas at Mountain Shadows II" (FP 15-02), subject to the following stipulations:**

1. This subdivision shall be in substantial compliance with the Final Plat, "The Villas at Mountain Shadows II", Sheets 1-2, prepared by Coe & Van Loo Consultants, Inc. dated October 26, 2015.
2. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
3. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve said final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.
4. Within 60 days of approval of the Final Plat, 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.
5. The Final Plat shall not be recorded until the Town receives the appropriate information for the State of Arizona Department of Water Resources Certificate of Assured Water Supply, with the certificate number and date to be duly noted on the Final Plat. The motion carried by the following vote:

**Aye:** 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Sherf

### **15-283 Consideration of Ordinance Number 691 - Unmanned Aerial Vehicles**

Town Attorney Andrew Miller presented draft Ordinance Number 691 regarding unmanned aerial vehicles (UAVs or drones).

He stated that the Town Council discussed the possibility of regulating drones on May 28, 2015 and directed staff to draft an ordinance. Over the summer, the Town received comments from Council Members, residents, and industry professionals. Staff also researched ordinances in other communities. He noted that the Federal Aviation Administration is still in the process of formulating rules governing UAVs. The FAA's primary concern is with avoiding conflicts between UAVs and other forms of regulated

flight operations. The Town's interests were focused on local safety and privacy concerns.

He explained that the draft ordinance would require commercial operators to register each UAV online and provide notice of each flight to the Town. He stated that UAV flights over public property would require a Special Event Permit.

He said recreational users may use an UAV on their own property as long as such use is at a height of less than 500 feet and is not in violation of general prohibitions, such as flying an UAV in a careless or reckless manner or transmitting images of any person or property where there is a reasonable expectation of privacy.

He stated that the draft ordinance includes an emergency clause so it would become effective prior to Christmas and Chanukah.

Commercial UAV operators Brian Deatherage and Mark Yori addressed the Council and asked for clarification on usage restrictions and the registration requirement.

Resident David Hann questioned the Council regarding the possibility of obtaining images from the UAVs to use as evidence.

Attorney James Arrowood addressed the Council regarding his research into UAV regulations nationwide as well as the pending FAA rules.

The Council discussed clarifying the penalty provisions and publicizing the ordinance once adopted.

Mayor Collins announced that the ordinance would be scheduled for a vote at the December 3<sup>rd</sup> meeting.

**A motion was made by Council Member Hamway, seconded by Council Member Syms, to continue Ordinance Number 691 related to the operation of unmanned aerial vehicles to December 3, 2015. The motion carried by the following vote:**

**Aye: 6** - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Absent: 1** - Council Member Sherf

### **13. REQUESTS FOR FUTURE AGENDA ITEMS**

#### **15-278 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda list. He noted that the mayor suggested holding a Special Meeting on December 10, 2015 to discuss the Development Agreement regarding The Ritz-Carlton.

## 14. MAYOR / COUNCIL / MANAGER COMMENTS

There were no reports.

### 15-284      Continued Discussion of Special Use Permit Major Amendment for The Ritz-Carlton Resort, Paradise Valley

Mayor Collins recessed the meeting at 7:07 p.m. and reconvened the Study Session in the Boardroom at 7:15 p.m.

The Mayor announced that there would be a special meeting on December 10 to further study the final site plan and discuss the Development Agreement.

Ms. Cutro continued her summary of the site plan.

Area C – Ritz-Carlton Residential Lots

Area D – Attached Residential

Area E1 – Resort retail and Restaurant (south half of E. E2 deferred to a later date)

The Council then discussed the landscape plan, monument signs, perimeter walls, setbacks, and open space.

The Mayor and Council encouraged the applicant to finalize the site plan for the December 3<sup>rd</sup> meeting so that the Town could focus on the development agreement at the December 10 meeting. This would allow the Town to meet the applicant's requested deadline for a final vote on December 17, 2015.

## 15. ADJOURN

**A motion was made by Council Member Hamway, seconded by Council Member Stanton, to adjourn. The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Stanton, and Council Member Syms

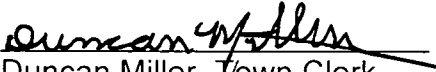
**Absent:** 1 - Council Member Sherf

Mayor Collins adjourned the meeting at 9:55 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, November 19, 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

