



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, June 22, 2017**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, June 22, 2017 at 4:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace attended by telephone conference call
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Public Works Director Brent Skoglund
Community Development Director Eva Cutro
Planner George Burton
Assistant Town Attorney Deborah Robberson

2. STUDY SESSION ITEMS

**17-237 Discussion of the Indian Bend Road Traffic Calming Measure
Associated with Five Star/Ritz Carlton Development**

Town Manager Burke explained that purpose of this item was to update the Council on the proposed Indian Bend Road traffic circulation project at the Ritz-Carlton Resort. He noted that this traffic element was discussed as part of the Development Agreement with Five Star Development. The design goal was to discourage westbound traffic on Indian Bend leaving the resort.

Traffic Engineer Dawn Cartier (Civtech) presented the proposed traffic design on the Scottsdale portion of Indian Bend at the secondary ingress/egress into the resort. The design, known as "the Swoop", diverts traffic to Scottsdale Road. The City of Scottsdale has approved the plan.

After much Council discussion there was consensus to request an alternate design that would improve traffic flow east out of the Town with the understanding that traffic volume would increase westbound to Mockingbird Lane. The Council asked for confirmation that the Scottsdale Plaza Resort and the Judson

Subdivision do not oppose the final design.

17-236 Discussion of Councilmember Paul Dembow's Nomination for the Arizona Municipal Risk Retention Pool (AMRRP)

Mr. Burke stated that an announcement had been emailed to all Council Members that there was a vacancy on the Arizona Municipal Risk Retention Pool. Council Member Dembow expressed interest in serving on the Board if no one else was interested. He explained that the Board is accepting nominations through the end of the month and member agencies would vote to fill the vacancy from among the nominees. Since the position would represent the Town he felt it was appropriate for the Council to approve the nomination. He summarized the duties of Risk Pool.

The Council discussed the nomination process and that it was customary with some appointments to hold a study session prior to taking action. There was consensus that the appointment process for all Mayor and Council appointments should be considered as part of the "Governance" policies discussion.

Mr. Burke stated that this item is scheduled for action later in the meeting.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to go into executive session to confer with the Town Attorney for legal advice regarding amendments to the Agenda Item 17-243 Hillside Buidling Code and Agenda Item 17-17-235 approval of nomination to the AMRRP Board as authorized by A.R.S. §38-431.03(A)(3). The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the regular meeting and convened the executive session at 5:23 p.m.

3. EXECUTIVE SESSION

17-233 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).

17-238 The Town Council may go into executive session to confer with the Town Attorney for legal advice regarding zoning and other standards applicable to group homes, assisted living homes, and sober living homes as authorized by A.R.S. §38-431.03(A)(3) and pending or potential litigation regarding same as authorized by

A.R.S. §38-431.03(A)(4).

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:15 PM

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace attended by telephone conference call
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Public Works Director Brent Skoglund
Community Development Director Eva Cutro
Planner George Burton

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

There were no presentations.

9. CALL TO THE PUBLIC

Resident Rick Carpinelli presented Community Development Director Eva Cutro with a framed *Town of Paradise Valley Independent Newspaper* article which profiled her and her department. He thanked her for her professionalism and assistance with development projects he managed.

10. CONSENT AGENDA

There was no consent agenda.

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS**17-231 Consideration of Paradise Valley Bicycle & Pedestrian Master Plan Statement of Direction**

Senior Planner Paul Michaud presented the proposed Statement of Direction for the Bicycle Pedestrian Master Plan. He stated that since the Council discussion on February 23, 2017 on the Statement of Direction, the Town received much public feedback. On June 8, Mayor Collins offered a proposal narrowing the scope of bicycle and pedestrian facilities. There was general Council support for the revised Statement of Direction based on the Mayor's proposal; however, several residents objected to certain language that seemed anti-bicyclist.

Residents Shawna Glazier, Michelle Childs, Mimi Shaps, Janie White, Brent Donaldson, Rod Riley, and Phoenix resident James Winebrenner opposed the Statement of Direction in its current form. They believed it treated cyclists unfairly. They encouraged the Council to delay final action until amendments could be made providing for coexistence between vehicles, cyclists, and pedestrians consistent with the General Plan.

John McCauley and Heidi McCauley expressed safety concerns with shared usage on Hummingbird Ln. They encourage the Town to focus on enforcement of traffic laws for vehicles and cyclists in that area.

Responding from a question from Mayor Collins, Planning Commission Daran Wastchak stated that he would relate the Council's discussions to the Commission and would work to find a solution that would address joint-use and safety concerns.

After Council discussion Council Member Stanton proposed the following amendment to the Safety and Enforcement section of the Statement of Direction:

- o **EMPHASIZE SAFETY AND ENFORCEMENT:** Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.

In addition there was Council direction to recommend bicycle facilities, policies, and program measures encouraging bicycling for people of all ages and bicycling abilities; and to formulate strategies to educate bicyclists, pedestrians, motorists and the general public promoting positive interaction between each user group.

Council Member Dembow offered additional amendments but they did not receive a second.

A motion was made by Council Member Stanton, seconded by Council Member Sherf, to approve the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan, as amended. The motion carried by the following vote:

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

Nay: 1 - Council Member Dembow

17-235 Approval of Councilmember Paul Dembow's Nomination for the Arizona Municipal Risk Retention Pool (AMRRP)

Mr. Burke stated that this item had been discussed in study session. He summarized the duties of the Arizona Municipal Risk Retention Pool.

Resident Robert Kielty encouraged the Council to consider the Town's fiduciary responsibility and any conflict of interest issues related to Council Member serving on the Risk Pool Board. He stated that the Town is being sued and Mr. Dembow is a defendant in his personal capacity resulting from a fatal pedestrian accident involving his daughter.

Responding to a question from the Council, Town Attorney Andrew Miller that he contacted the Risk Pool General Counsel and confirmed that it is customary and expected that Board Members recuse themselves on matters involving the municipality they represent. Accordingly, he said there would be no conflict of interest with Council Member Dembow serving on the Board.

Responding to a question from Council, Mr. Dembow confirmed that he would seek advice from the Risk Pool legal counsel regarding matters of conflict of interest.

A motion was made by Council Member Sherf, seconded by Council Member Moore, to Approve Councilmember Dembow's nomination for the Arizona Municipal Risk Retention Pool. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting at 7:15 p.m.

17-243 Adoption of Statement of Direction for Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

Mayor Collins reconvened the meeting at 7:25 p.m.

Mr. Burke and Planner George Burton presented and received Council feedback on the following topics to be included in the Hillside Code Statement of Direction:

1. Retaining Walls and Screen Walls.
2. Material Palette and Light Reflective Value (LRV).
3. Hillside Reviews & Administrative Hillside Chair Review.

4. Disturbed Area Calculation.
5. Demolition on Hillside Properties.
6. Hillside Model.
7. Accessory Structure and Accessory Structure Height Limit (including raised decks/platforms).
8. 40' Overall Height Measurement.
9. Driveway Disturbance Credit.
10. Lighting.
11. Process to Remove a Property from Hillside Designation.
12. Hillside Assurance/Bond.
13. Define which Hillside Code applies to La Place du Sommet Subdivision.
14. Solar Panels and Hillside Review Process.
15. Cantilever Limitations.
16. On-Site Retention.
17. Pool Barriers and Perimeter Fencing Standards.
18. Administrative relief on hillside lots (Article XXII).
19. Add Safety Section in Code
20. Eliminate or Reduce Admin Chair Review
21. Do Not Change Admin relief on hillside properties

The Council discussed each item in detail and provided feedback and amended language.

A motion was made by Council Member Moore, seconded by Council Member Sherf, to approve the Statement of Direction for Hillside Code Updates (Article XXII of the Town Zoning Ordinance) as amended. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

**17-244 Adoption of Resolution 2017-15 Amendment to the Town's
Reasonable Accommodation Process**

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to go into executive session to confer with the Town Attorney for legal advice regarding zoning and other standards applicable to group homes, assisted living homes, and sober living homes as authorized by A.R.S. §38-431.03(A)(3) and pending or potential litigation regarding same as authorized by A.R.S. §38-431.03(A)(4). The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the regular meeting and convened the executive session at 9:21 p.m.

Mayor Collins reconvened the meeting at 10:00 p.m.

Town Attorney Andrew Miller summarized the revisions to the reasonable accommodation process.

They included:

- Requirement to provide neighbors within 1,000 feet would be notified within 5 days of the application for reasonable accommodation
- A spacing requirement of 1,320 feet
- Applicants must either be the owner of the property or have a written notarized consent from the property owner prior to making application.

A motion was made by Council Member Sherf, seconded by Council Member Stanton, to Adopt Resolution Number 2017-15, as amended and with an Emergency Clause. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

13. FUTURE AGENDA ITEMS

17-234 Consideration of Requests for Future Agenda Items

Mr. Burke summarized the items on the future agenda schedule. He stated that there would be a Special Meeting on either August 7 or 8 to consider amendments to the Personal Wireless Service Facility Ordinance.

There was no discussion and no additions.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Pace reported on the last ACOPS meeting. She said members had been assigned research duties to work on over the summer.

